



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA

FIRST VOTES AND PROCEEDINGS

Wednesday, 27 July, 2022

1. The House met at 11.35 a.m. Mr Deputy Speaker read the Prayers.
2. The House recited the National Pledge.
3. **Votes and Proceedings**
Mr Deputy Speaker announced that he had examined and approved the *Votes and Proceedings* of Tuesday, 26 July, 2022.

The Votes and Proceedings was adopted by unanimous consent.

4. **Announcement**

Visitors in the Gallery:

- (i) Mr Deputy Speaker recognised the presence of Staff and Students of *Noble Heights Academy, Karu, Abuja.*

- (ii) *Ad-hoc Committee to Investigate the Structure and Accountability of the Joint Venture (JV) Businesses and Production Sharing Contracts (PSC) of the Nigerian National Petroleum Corporation from 1990 till Date:*

Mr Speaker announced the membership of the Committee as follows:

- | | | | |
|------|------------------------------|---|----------|
| (1) | Hon. Fulata Abubakar Hassan | — | Chairman |
| (2) | Hon. Sergius Oseasochie Ogun | — | Member |
| (3) | Hon. Benjamin Okezie Kalu | — | Member |
| (4) | Hon. Sada Soli | — | Member |
| (5) | Hon. Ado Sani Kiri | — | Member |
| (6) | Hon. Isiaka Ibrahim Ayokunle | — | Member |
| (7) | Hon. Mark Gbillah Terseer | — | Member |
| (8) | Hon. Vincent Ofemule | — | Member |
| (9) | Hon. Johnson Oghuma | — | Member |
| (10) | Hon. Makki Abubakar Yalleman | — | Member |
| (11) | Hon. Francis Ejiro Waive | — | Member |
| (12) | Hon. Yusuf Saidu Miga | — | Member |
| (13) | Hon. Johnson Ganiyu Abiodun | — | Member |
| (14) | Hon. Shehu Balarabe | — | Member |

(15)	Hon. Chinyere Igwe	—	Member
(16)	Hon. Ben Igbakpa Rollands	—	Member
(17)	Hon. Idris Kabiru Kura	—	Member
(18)	Hon. Nazifi Sani	—	Member
(19)	Hon. Umaru Abubakar Yabo	—	Member
(20)	Hon. Usman Zannah	—	Member

5. Petitions

- (i) A petition from Abiodun Ogunjimi & Co. (Legal Practitioners), on behalf of Adebajo Olaide, on alleged non-compliance with court order in Suit No: M/554/2021 by the Nigeria Police Force, was presented and laid by Hon. Odeunmi Olusegun (*Ogo-Oluwa/Surulere Federal Constituency*);
- (ii) A petition from Ka'ase & Ka'ase (Legal Practitioners), on behalf of Sarisa Global Drilling Company, on alleged unlawful seizure of their Drilling Machine by the Nigerian Army, was presented and laid by Hon. Abubakar Faggo Kani (*Shira/Giade Federal Constituency*);
- (iii) The following petitions were presented and laid by Hon. Kwamoti Bitrus Laori (*Demsa/Numan/Lamurde Federal Constituency*):
- (a) Chris Okpala & Co. (Legal Practitioners), on behalf of Mathew Alochukwu Ezeanyagu and 1 other, on the non-payment of the death benefit of Stella Ezeanyagu by Premium Pensions Limited;
- (b) Abuo Moses, on his dismissal from the service of the Nigeria Police Force;
- (c) A & G Solomon (Legal Practitioners), on behalf of Abraham Akonja Abutil, on his dismissal from service and alleged refusal to comply with court judgment in Suit No: NICN/ABJ/40/2014 by Economic and Financial Crimes Commission (EFCC);
- (d) Lawicons (Legal Practitioners), on behalf of Chartered Institute of Project Managers of Nigeria (CIPMN), on alleged abuse of office and usurpation of CIPMN's Governing Council functions by Mimi Abu and 2 others;
- (e) M. U. Alaeta & Co. (Legal Practitioners), on behalf of Juli Ruwa family on alleged extra-judicial killing of Juli Ruwa by the Nigeria Police Force;
- (f) M. U. Alaeta & Co. (Legal Practitioners), on behalf of Chief Alaeta Maxwell and some aggrieved members of Dutse Baupma Plot Owners Association, on alleged conversion of their land at Peyi (Usman Town Extension), Dutse Baupma Customary Court Layout, Bwari Area Council;
- (g) Jiscon Nigeria Limited, on behalf of Umu-Iwelie Abualie Abuator Community Development Committee on alleged gross marginalization of the community by the Nigerian Agip Oil Company;
- (h) Jiscon Nigeria Limited, on behalf of Chukwudi Joshua Ossai, on the termination of his appointment by the Platform Petroleum Limited;
- (i) Joint Unions of Academic Staff Union of Research Institutions, Non-Academic Staff Union of Educational and Associated Institutions, and Senior Staff Association of University, on the emergence of Dr F. N. C. Enwezor as the Director-General of Joint Unions;

(j) Ajiboso Chambers (Legal Practitioners), on behalf of Indigene of Ogunrun town, on the proposed demolition of their houses in Ogunrun Ori Town in

Obafemi Owode Local Government Area, Ogun State by the Federal Ministry of Works;

- (k) Wale Oyewole Chamber (Legal Practitioners), on behalf of Njoku Morenikeji Elizabeth and 11 others, on alleged non-payment of their entitlements by the Federal Ministry of Environment.

Petitions were referred to the Committee on Public Petitions.

6. **Matters of Urgent Public Importance (Standing Order Eight, Rule 4)**

- (i) ***Need to Immediately Redeploy Soldiers Withdrawn from Certain Bandits Flashpoints within Wase Local Government Area:***

Hon. Abubakar Hassan Fulata (*Birniwa/Guri/Kiri-Kasamma Federal Constituency*) introduced the matter and prayed the House to:

- (a) consider and approve the matter as one of urgent public importance; and
(b) suspend Order Eight, Rule 4 (3) to allow debate on the matter forthwith.

Question that the matter be considered as one of urgent public importance — Agreed to.

Question that the House do suspend Order Eight, Rule 4 (3) to enable it debate the matter forthwith — Agreed to.

Need to Immediately Redeploy Soldiers Withdrawn from Certain Bandits Flashpoints within Wase Local Government Area:

The House:

Note: the spate of banditry ravaging several States within the Northern part of Nigeria;

Also notes that in December 2021, a motion on the *need to halt the wanton killings and kidnappings by bandits in Wase Local Government Area* and other neighbouring towns in Kanan LGA, Plateau State, and some parts of Lau and Karim Lamido LGAs, Taraba State was considered;

Aware that as a result of the aforementioned motion, an *Ad-hoc* Committee was set up to probe the incessant bandits attack in Wase Local Government Area and its environs;

Also aware that Section 14 (2) (b) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) provides thus:

"It is hereby accordingly declared that the security and welfare of the people shall be the primary purpose of government";

Further aware that Security Agencies (especially the Army) took several measures including deploying soldiers and other security personnel to man locations identified to be flashpoints of bandit attacks;

Appreciates the efforts of security agents in the continuous vigilance and pro-activeness towards reducing the incessant attacks;

Informed that recently, some security personnel observing different checkpoints within Wase Local Government Area were withdrawn;

Also informed that since the withdrawal of those security personnel, banditry has resumed in full force and has become a daily occurrence within Wase Local Government Area;

Worried that, if security personnel are not redeployed to those positions immediately, many lives and properties will continue to be lost as several persons have already been either killed or kidnapped in several villages including Nyalun, Gaji, Safiyu, Pinau and several others; all within Wase Local Government Area;

Also worried that due to the proximity of Wase Local Government Area to several North Eastern and North Central States such as, Taraba, Gombe, Bauchi and Nasarawa, the bandit activities may escalate and extend to other locations within and outside the States;

Resolves to:

- (i) urge the Chief of Army Staff to immediately redeploy Soldiers who were deployed out of several flashpoints within Wase Local Government Area;
- (ii) also urge the Chief of Army Staff to establish more Military presence bases in Pinau, Bangalala, Yuli, and Zurek in Wase LGA, Kukawa in Kanam LGA, Plateau State; including Lau and Karim Lamido LGAs in Taraba State;
- (iii) further urge the Ministry of Defence to initiate a coordinated Joint Security Operation within the Wase Local Government Area and adjoining towns located in Plateau, Bauchi, Gombe, Taraba and Nasarawa States to flush out the bandits and prevent them from escaping to other States;
- (iv) still urge the Department of State Services and Directorate of Military Intelligence to gather intelligence information on the influx, camping and operations of bandits within Wase Local Government Area and adjoining towns and share same with other sister security agencies;
- (v) again urge the Inspector General of Police to provide Mopol Squadron Formations/bases in Pinau, Bangalala, Yuli, and Zurek in Wase LGA, Kukawa in Kanam LGA, Plateau State; including Lau and Karim Lamido LGAs in Taraba State;
- (vi) mandate the Committees on Defence, Army, Police Affairs, and Legislative Compliance to ensure compliance and furnish the House with a monthly report until the security situation is resolved (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma Federal Constituency*).

Debate.

Agreed to.

The House:

Noted the spate of banditry ravaging several States within the Northern part of Nigeria;

Also noted that in December 2021, a motion on the *need to halt the wanton killings and kidnappings by bandits in Wase Local Government Area* and other neighbouring towns in Kanam LGA, Plateau State, and some parts of Lau and Karim Lamido LGAs, Taraba State was considered;

Aware that as a result of the aforementioned motion, an *Ad-hoc* Committee was set up to probe the incessant bandits attack in Wase Local Government Area and its environs;

Also aware that Section 14 (2) (b) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) provides thus:

"It is hereby accordingly declared that the security and welfare of the people shall be the primary purpose of government";

Further aware that Security Agencies (especially the Army) took several measures including deploying soldiers and other security personnel to man locations identified to be flashpoints of bandit attacks;

Appreciated the efforts of security agents in the continuous vigilance and pro-activeness towards reducing the incessant attacks;

Informed that recently, some security personnel observing different checkpoints within Wase Local Government Area were withdrawn;

Also informed that since the withdrawal of those security personnel, banditry has resumed in full force and has become a daily occurrence within Wase Local Government Area;

Worried that, if security personnel are not redeployed to those positions immediately, many lives and properties will continue to be lost as several persons have already been either killed or kidnapped in several villages including Nyalun, Gaji, Safiyo, Pinau and several others; all within Wase Local Government Area;

Also worried that due to the proximity of Wase Local Government Area to several North Eastern and North Central States such as, Taraba, Gombe, Bauchi and Nasarawa, the bandit activities may escalate and extend to other locations within and outside the States;

Resolved to:

- (i) urge the Chief of Army Staff to immediately redeploy Soldiers who were deployed out of several flashpoints within Wase Local Government Area;
- (ii) also urge the Chief of Army Staff to establish more Military presence/bases in Pinau, Bangalala, Yuli, and Zurek in Wase LGA, Kukawa in Kanam LGA, Plateau State; including Lau and Karim Lamido LGAs in Taraba State;
- (iii) further urge the Ministry of Defence to initiate a coordinated Joint Security Operation within the Wase Local Government Area and adjoining towns located in Plateau, Bauchi, Gombe, Taraba and Nasarawa States to flush out the bandits and prevent them from escaping to other States;
- (iv) still urge the Department of State Services and Directorate of Military Intelligence to gather intelligence information on the influx, camping and operations of bandits within Wase Local Government Area and adjoining towns and share same with other sister security agencies;
- (v) again urge the Inspector General of Police to provide Mopol Squadron Formations/bases in Pinau, Bangalala, Yuli, and Zurek in Wase LGA, Kukawa in Kanam LGA, Plateau State; including Lau and Karim Lamido LGAs in Taraba State;
- (vi) mandate the Committees on Defence, Army, Police Affairs, and Legislative Compliance to ensure compliance and furnish the House with a monthly report until the security situation is resolved (HR. 41/07/2022).

(ii) **Need to Display the National Identity Number on the National Identity Card:**

Hon. Yeitiemone Frederick Agbedi (*Sagbama/Ekeremor Federal Constituency*) introduced the matter and prayed the House to:

- (a) consider and approve the matter as one of urgent public importance; and
- (b) suspend Order Eight, Rule 4 (3) to allow debate on the matter forthwith.

Question that the matter be considered as one of urgent public importance — Agreed to.

Question that the House do suspend Order Eight, Rule 4 (3) to enable it debate the matter forthwith — Agreed to.

Need to Display the National Identity Number on the National Identity Card:

The House:

Notes that the National Identification Number (NIN) is used by the government of many countries as a means of tracking their citizens, permanent and temporary residents for the purposes of work, taxation, government benefits, healthcare and other government-related functions;

Aware that in Nigeria, the Identification Number is issued and managed by the National Identity Management Commission (NIMC) established to create, operate and manage Nigeria's national identity database in government institutions, register individuals and legal residents, assign unique national identification number and introduce general multi-purpose cards;

Also aware that the National Identification Number is the unique number which identifies a person for life and it is issued after enrolment, it matches the person's biometric data and other details in the National Identity Data base during verification and authentication, it could be used for all transactions requiring identity verification;

Further aware that the National Identity Management Commission began enrolment exercise in September 2010, and started the issuance of a multipurpose identity card in 2013, and only recently, the commission has started issuing a digital ID Card which displays only the name, age and nationality of the holder without displaying the NIN Number.

Informed that the National Identity Card issued by the Commission did not include the National Identification Number and this has brought untold hardship to the citizens, who in a bid to retrieve their NIN via short codes provided by telecommunication service providers, still have to pay service charges;

Also informed that the National Identification Number, if reflected on the National Identity Card will make easy access and reduce the pains of the citizenry as it is now reflected in the current Nigerian Passport issued by the Nigerian Immigration Service;

Resolves to:

- (i) urge the National Identity Management Commission to redesign the National Identity Card to reflect the National Identification Number (NIN); and
- (ii) mandate the Committee on Interior to ensure compliance (*Hon. Yeitiemone Frederick Agbedi — Sagbama/Ekeremor Federal Constituency*).

Debate.

Agreed to.

The House:

Noted that the National Identification Number (NIN) is used by the government of many countries as a means of tracking their citizens, permanent and temporary residents for the purposes of work, taxation, government benefits, healthcare and other government-related functions;

Aware that in Nigeria, the Identification Number is issued and managed by the National Identity Management Commission (NIMC) established to create, operate and manage Nigeria's national identity database in government institutions, register individuals and legal residents, assign unique national identification number and introduce general multi-purpose cards;

Also aware that the National Identification Number is the unique number which identifies a person for life and it is issued after enrolment, it matches the person's biometric data and other details in the National Identity Data base during verification and authentication, it could be used for all transactions requiring identity verification;

Further aware that the National Identity Management Commission began enrolment exercise in September 2010, and started the issuance of a multipurpose identity card in 2013, and only recently, the commission has started issuing a digital ID Card which displays only the name, age and nationality of the holder without displaying the NIN Number;

Informed that the National Identity Card issued by the Commission did not include the National Identification Number and this has brought untold hardship to the citizens, who in a bid to retrieve their NIN via short codes provided by telecommunication service providers, still have to pay service charges;

Also informed that the National Identification Number, if reflected on the National Identity Card will make easy access and reduce the pains of the citizenry as it is now reflected in the current Nigerian Passport issued by the Nigerian Immigration Service;

Resolved to:

- (i) urge the National Identity Management Commission to redesign the National Identity Card to reflect the National Identification Number (NIN); and
- (ii) mandate the Committee on Interior to ensure compliance (HR. 42/07/2022).

Motion made and Question proposed. "That the House do suspend Order Eight, Rule 4 (4) to enable it take more than 2 matters of urgent public importance" (Hon. Abubakar Hassan Falata — Birniwa/Guri/Kiri-Kasamma Federal Constituency).

Agreed to.

(iii) **Need to Emplace Emergency Programmes and Protocol for the Impending Food Shortages:** Hon. Rimamnde Shawulu Kwewum (Takum/Ussa/Donga Federal Constituency and 6 Others) introduced the matter and prayed the House to:

- (a) consider and approve the matter as one of urgent public importance; and
- (b) suspend Order Eight, Rule 4 (3) to allow debate on the matter forthwith.

Question that the matter be considered as one of urgent public importance — Agreed to.

*Question that the House do suspend Order Eight, Rule 4 (3) to enable it debate the matter forthwith
— Agreed to.*

Need to Emplace Emergency Programmes and Protocol for the Impending Food Shortages:

The House:

Notes that the world generally, is apprehensive of an impending massive shortage of food and possible famine;

Also notes that while the current impending food shortage is directly related to the Ukraine-Russia war which has impacted negatively on supply of grains and fertilizers while some other areas have remained under armed conflicts;

Further notes that next to petroleum products, Nigeria's highest import bill is on food which is becoming costlier around the world, and its economic outlook, especially, the debt/revenue ratio, may not be able to support the needed massive importation of food;

Still notes that a recently released central bank report showed that Nigeria food import bill increased by 45% to \$2.71 bn in 12 months in 2021;

Aware that various reports by different multilateral organisations and international NGO's show that a very significant population of Nigeria will face acute food shortage and possible famine in the year 2022;

Also aware that so far the attention of the international community is directed at the dire needs arising from the conflicts in the North East which has been the pledges and donations;

Concerned that Nigeria is number 152 of the 188 countries surveyed on the Human Development Index and about 110 million or 60% of the total population live below the poverty line and would be subjected to untold hardship without support;

Also concerned that the United Nations High Commission for Refugees (UNCHR) has alerted that 14.5 million people in Nigeria today are faced with food insecurity;

Cognizant that the major driver of food crisis around the world has been conflict and insecurity as 60% of the world's hungry live in areas affected by conflicts;

Again notes that initially, the North Eastern States of Adamawa, Borno and Yobe were the leading States in food crisis with the widening security challenges, the food shortage and crisis have spread to other States;

Worried that in the new projection at least 16 States and the Federal Capital Territory will face major food crisis in the year 2022; those States include, Abia, Adamawa, Benue, Cross River, Edo, Enugu, Gombe, Jigawa, Kaduna, Kano, Katsina, Kebbi, Lagos, Niger, Plateau, Sokoto, Taraba, Yobe and Zamfara;

Also cognizant that terrorists often lay siege on farms, kidnap farmers, sack villages and compel farmers to pay some fees before accessing their farms;

Disturbed that many communities have abandoned their farmlands and are seeking refuge in urban centres and Internally Displaced Persons (IDP) camps;

Also disturbed that if proactive actions are not taken, the impending hunger and food shortages will worsen Nigeria security situation;

Resolves to:

- (i) urge the Ministry of Humanitarian Affairs and Disaster Management through the National Emergency Management Agency (NEMA) and the Ministry of Agriculture to make arrangements to mitigate the emerging food challenges; and
- (ii) mandate the Committees on Agricultural Production and Services, Agricultural Colleges and Institutions, and Rural Development to interface with the appropriate Ministries and Agencies as well as the International Development Partners to assist the processing of establishing and implementing protocols to manage food resources and mitigate the food crisis (*Hon. Rimamnde Shawulu Kwewum — Takum/Doga.Ussa/Yangtu Federal Constituency and Six Others*).

*Debate.**Agreed to.*

The House:

Noted that the world generally, is apprehensive of an impending massive shortage of food and possible famine;

Also noted that while the current impending food shortage is directly related to the Ukraine-Russia war which has impacted negatively on supply of grains and fertilizers while some other areas have remained under armed conflicts;

Further noted that next to petroleum products, Nigeria's highest import bill is on food which is becoming costlier around the world, and its economic outlook, especially, the debt/revenue ratio, may not be able to support the needed massive importation of food;

Still noted that a recently released central bank report showed that Nigeria food import bill increased by 45% to \$2.71 bn in 12 months in 2021;

Aware that various reports by different multilateral organisations and international NGO's show that a very significant population of Nigeria will face acute food shortage and possible famine in the year 2022;

Also aware that so far the attention of the international community is directed at the dire needs arising from the conflicts in the North East which has been the pledges and donations;

Concerned that Nigeria is number 152 of the 188 countries surveyed on the Human Development Index and about 110 million or 60% of the total population live below the poverty line and would be subjected to untold hardship without support;

Also concerned that the United Nations High Commission for Refugees (UNCHR) has alerted that 14.5 million people in Nigeria today are faced with food insecurity;

Cognizant that the major driver of food crisis around the world has been conflict and insecurity as 60% of the world's hungry live in areas affected by conflicts;

Again noted that initially, the North Eastern States of Adamawa, Borno and Yobe were the leading States in food crisis with the widening security challenges, the food shortage and crisis have spread to other States;

Worried that in the new projection at least 16 States and the Federal Capital Territory will face major food crisis in the year 2022; those States include, Abia, Adamawa, Benue, Cross

River, Edo, Enugu, Gombe, Jigawa, Kaduna, Kano, Katsina, Kebbi, Lagos, Niger, Plateau, Sokoto, Taraba, Yobe and Zamfara;

Also cognizant that terrorists often lay siege on farms, kidnap farmers, sack villages and compel farmers to pay some fees before accessing their farms;

Disturbed that many communities have abandoned their farmlands and are seeking refuge in urban centres and Internally Displaced Persons (IDP) camps;

Also disturbed that if proactive actions are not taken, the impending hunger and food shortages will worsen Nigeria security situation;

Resolved to:

- (i) urge the Ministry of Humanitarian Affairs and Disaster Management through the National Emergency Management Agency (NEMA) and the Ministry of Agriculture to make arrangements to mitigate the emerging food challenges; and
- (ii) mandate the Committees on Agricultural Production and Services, Agricultural Colleges and Institutions, and Rural Development to interface with the appropriate Ministries and Agencies as well as the International Development Partners to assist the processing of establishing and implementing protocols to manage food resources and mitigate the food crisis (HR. 43/07/2022).

7. Personal Explanation (Order Eight, Rule 5)

- (i) Hon. Muhammad Ali Wudil (*Wudil/Garko Federal Constituency*), informed the House that on Wednesday, 27 July, 2022, a delegation of the House comprising the Leadership and some Members met with the Nigeria Labour Congress who were on solidarity protest to the National Assembly to make some demands on the lingering strike of the Academic Staff Union of Universities (ASUU). While interacting with the group, he expressed the concerns of the House on the matter, considering that students and parents are mostly affected by the strike. He however, assured the Nigeria Labour Congress that the House will review the demands and liaise with all relevant stakeholders to ensure amicable resolution of the matter.
- (ii) Hon. Victor Mela (*Balanga/Billiri Federal Constituency*), drew the attention of the House to the rising tension among residents of Billiri Local Government Area of Gombe State following the interception and arrest of fulani bandits with over 500 stolen animals by Security Agents, local vigilante groups and hunters. The bandits were in possession of cash, ammunitions, guns and other weapons. He stated that the stolen animals have been moved to the Stadium in Billiri for return to the owners and urged the Inspector-General of Police to beef up security in the Local Government Area to forestall any attack on the people. He also urged the State Government and relevant agencies to hasten the return of the animals to the owners.

8. Presentation of Bills

The following Bills were read the *First Time*:

- (1) Federal College of Nursing and Midwifery, Panyam, Plateau State (Establishment) Bill, 2022 (HB. 2053).
- (2) Potatoes Research Centre of Nigeria, Bokkos, Plateau State (Establishment) Bill, 2022 (HB. 2054).
- (3) National Environmental Standards and Regulations Enforcement Agency (Establishment) Bill, 2022 (HB. 2054).

- (4) Federal College of Agriculture, Mbar, Plateau State (Establishment) Bill, 2022 (HB. 2055).
- (5) Public Private Partnership Regulatory Commission (Establishment) Bill, 2022 (HB. 2052).
- (6) National Marine Corps (Establishment) Bill, 2022 (HB. 2056).

9. **Presentation of Reports**

- (i) **Report of the Conference Committee on the Federal Colleges of Education (Repeal and Enactment) Bill:**
Motion made and Question proposed, "That the House do receive the Report of the Conference Committee on a Bill for an Act to Repeal the Federal Colleges of Education Act, and Enact Federal Colleges of Education Bill; and for Related Matters" (Hon. John Dyegh — Gboko/Tarka Federal Constituency).

Agreed to

Report laid.

- (ii) **Committee on Agricultural Production and Services:**
 Report of the Committee on Agricultural Production and Services on a Bill for an Act to Establish Nigeria Institute of Plant Protection; and for Related Matters (HB.109).

Order read; deferred by leave of the House.

- (iii) **Committee on Agricultural Production and Services:**
 Report of the Committee on Agricultural Production and Services on a Bill for an Act to Repeal the Commodity Boards Act, Cap. C4, LFN, 2004, and to Enact the Commodity and Grain Board as a body Corporate to Promote, Regulate and Standardize the Production, Exportation of such Commodities and Grains; and for Related Matters (HB. 216).

Order deferred by leave of the House.

- (iv) **Committee on Agricultural Production and Services:**
 Report of the Committee on Agricultural Production and Services on a Bill for an Act to Amend the Sea Fisheries Act, Cap. S4, Laws of the Federation of Nigeria, 2004 to, among other things, bring the Penalties therein in Conformity with Modern Day Realities; and for Related Matters (HB.416).

Order deferred by leave of the House.

- (v) **Committee on Agricultural Production and Services:**
 Report of the Committee on Agricultural Production and Services on a Bill for an Act to Provide a Legal Framework for Establishment of National Roots and Tubers Production, Processing and Research Institute, Zing, Taraba State; and for Related Matters (HB. 1513).

Order; deferred by leave of the House.

- (vi) **Committee on Agricultural Production and Services:**
 Report of the Committee on Agricultural Production and Services on a Bill for an Act to Provide for Establishment of Nigeria Pesticide Council, and for Other Related Matters (HB. 1316).

Order deferred by leave of the House.

- (vii) **Committee on Agricultural Production and Services:**
Report of the Committee on Agricultural Production and Services on a Bill for an Act to Amend the Nigerian Institute of Animal Science Act, Act, Cap. N160, Laws of the Federation of Nigeria, 2004; and for Related Matters (HB. 915).

Order deferred by leave of the House.

- (viii) **Committee on Agricultural Production and Services:**
Report of the Committee on Agricultural Production and Services on a Bill for an Act to Establish Communal Farms in all 774 Local Government Areas of the Federation to Develop a Suitable Agro-Allied Business in Nigeria; and for Related Matters (HB. 1110).

Order deferred by leave of the House.

- (ix) **Committee on Agricultural Production and Services:**
Report of the Committee on Agricultural Production and Services on a bill for an act to Amend the National Crop Varieties and Livestock Breeds (Registration, etc.) Act, Cap. N27, Laws of the Federation of Nigeria, 2004; and for Other Related Matters (HB.36).

Order deferred by leave of the House.

- (x) **Committee on Agricultural Production and Services:**
Report of the Committee on Agricultural Production and Services on a Bill for an Act to Establish National Agency for the Production Management and Control of Sugarcane, Makarfi, Kaduna State; and for Related Matters (HB. 1385).

Order deferred by leave of the House.

- (xi) **Committee on Agricultural Production and Services:**
Report of the Committee on Agricultural Production and Services on a Call for Investigation into Administration of Donor Assisted Funds for Agricultural Project (HR. 17/2/2020).

Order deferred by leave of the House.

- (xii) **Committee on Agricultural Production and Services:**
Report of the Committee on Agricultural Production and Services on a Need to Investigate the Usage of Funds Disbursed by the Bank of Agriculture to Anchor Companies under the Anchor Borrowers Programme (ABP) (HR. 126/03/2020).

Order deferred by leave of the House.

- (xiii) **Committee on Health Institutions:**
Motion made and Question proposed, "That the House do receive the Report of the Committee on Health Institutions on a Bill for an Act to Provide Legal Framework to Upgrade the General Hospital, Onitsha to Federal Medical Centre, Onitsha and for Related Matters (HB. 277)" (Hon. Pashcal Obi — Ideato North/Ideato South Federal Constituency).

Agreed to.

Report laid.

(xiv) **Committee on Health Institutions:**

Motion made and Question proposed, "That the House do receive the Report of the Committee on Health Institutions on a Bill for an Act to Establish Federal University of Health Sciences and Technology, Kankia, and to make Comprehensive Provisions for Management and Administration of the University; and for Related Matters (HB. 1641)" (Hon. Pashcal Obi — Ideato North/Ideato South Federal Constituency).

Agreed to.

Report laid.

(xv) **Committee on Health Institutions:**

Motion made and Question proposed, "That the House do receive the Report of the Committee on Health Institutions on a Bill for an Act to Provide for Establishment of Federal College of Health Technology, Itebukunmi, Ondo State and for Related Matters (HB. 826)" (Hon. Pashcal Obi — Ideato North/Ideato South Federal Constituency).

Agreed to.

Report laid.

(xvi) **Committee on Information, National Orientation, Ethics and Values:**

Motion made and Question proposed, "That the House do receive the Report of the Committee on Information, National Orientation, Ethics and Values on a Bill for an Act to Provide for the Regulation and Conduct of the Practice of Broadcasting Profession in Nigeria; and for Related Matters (HB. 1150)" (Hon. Olusegun Odebunmi — Ogo-Olawa/Surulere Federal Constituency).

Agreed to.

Report laid.

(xvii) **Committees on Foreign Affairs, Interior and Population:**

Motion made and Question proposed, "That the House do receive the Report of the Committees on Foreign Affairs, Interior and Population on the Need for the Federal Government of Nigeria to ensure that the Investigation and Case against Senator Ike Ekweremadu by the Metropolitan Police and the Crown Prosecution Service in the United Kingdom Conforms to the Rule of Law and respect for the Right of the Individual as enshrined in the European Convention on Human Rights (ECHR) (HR. 21/06/2022)" (Hon. Yusuf Buba Yakub — Gombi/Hong Federal Constituency).

Agreed to.

Report laid.

10. **A Bill for an Act to Establish the Satellite Towns Development Agency for Providing, Maintaining, Regulating and Operating Public Infrastructure, Economic and Strategic Development Plans and Ancillary Purposes for the Federal Capital Territory; and for Related Matters (HB. 43) — Third Reading**

Motion made and Question proposed, "That a Bill for an Act to Establish the Satellite Towns Development Agency for Providing, Maintaining, Regulating and Operating Public Infrastructure, Economic and Strategic Development Plans and Ancillary Purposes for the Federal Capital Territory; and for Related Matters (HB. 43) be now read the Third Time" (Hon. Alhassan Ado Garba — House Leader).

Agreed to.

Bill read the Third Time and passed.

11. **A Bill for an Act to Establish Chartered Institute of Islamic Finance Professionals to Regulate the Activities of Members of the Profession; and for Related Matters (HB. 457) — Third Reading**
Motion made and Question proposed, "That a Bill for an Act to Establish Chartered Institute of Islamic Finance Professionals to Regulate the Activities of Members of the Profession; and for Related Matters (HB. 457) be now read the Third Time" (Hon. Alhassan Ado Garba — House Leader).

Agreed to.

Bill read the Third Time and passed.

12. **A Bill for an Act to Establish the Chartered Institute of Emergency, Crisis and Disaster Risk Management Charged with the Responsibility of Advancing the Study, Training and Practice of Emergency and Disaster Management and Determining the Standards of Knowledge and Skills to be Attained by Persons Seeking to Become Registered Members of the Institute and for Related Matters (HB. 1707) — Third Reading**
Motion made and Question proposed, "That a Bill for an Act to Establish the Chartered Institute of Emergency, Crisis and Disaster Risk Management Charged with the Responsibility of Advancing the Study, Training and Practice of Emergency and Disaster Management and Determining the Standards of Knowledge and Skills to be Attained by Persons Seeking to Become Registered Members of the Institute and for Related Matters (HB. 1707) be now read the Third Time" (Hon. Alhassan Ado Garba — House Leader).

Agreed to.

Bill read the Third Time and passed.

13. **A Bill for an Act to Establish the Chartered Institute of Forensics and Certified Fraud Examiners of Nigeria, to provide for the Regulation and Control of its Membership and Promote the practice of Forensics and Fraud Examiners in Nigeria; and for Related Matters (HB.1220) — Third Reading**
Motion made and Question proposed, "That a Bill for an Act to Establish the Chartered Institute of Forensics and Certified Fraud Examiners of Nigeria, to provide for the Regulation and Control of its Membership and Promote the practice of Forensics and Fraud Examiners in Nigeria; and for Related Matters (HB.1220) be now read the Third Time" (Hon. Alhassan Ado Garba — House Leader).

Agreed to.

Bill read the Third Time and passed.

14. **A Bill for an Act to Repeal the National Commission for Colleges of Education Act and Enact the National Commission for Colleges of Education Bill; and for Related Matters (HB.1985) — Third Reading**
Motion made and Question proposed, "That a Bill for an Act to Repeal the National Commission for Colleges of Education Act and Enact the National Commission for Colleges of Education Bill; and for Related Matters (HB.1985) be now read the Third Time" (Hon. Alhassan Ado Garba — House Leader).

Agreed to.

Bill read the Third Time and passed.

15. **A Bill for an Act to Establish Federal College of Crop Science and Food Technology, Lere, Kaduna State; and for Related Matters (HB.1887) — Third Reading**
Motion made and Question proposed, "That a Bill for an Act to Establish Federal College of Crop Science and Food Technology, Lere, Kaduna State; and for Related Matters (HB.1887) be now read the Third Time" (*Hon. Alhassan Ado Garba — House Leader*).
- Agreed to.*
- Bill read the Third Time and passed.*
16. **A Bill for an Act to Establish National Council for Digital Innovation and Entrepreneurship, Provide for the Creation and Development of an enabling Environment for Technology-Enabled Startups in Nigeria; and for Related Matters (HB.1886) — Third Reading**
Motion made and Question proposed, "That a Bill for an Act to Establish National Council for Digital Innovation and Entrepreneurship, Provide for the Creation and Development of an enabling Environment for Technology-Enabled Startups in Nigeria; and for Related Matters (HB.1886) be now read the Third Time" (*Hon. Alhassan Ado Garba — House Leader*).
- Agreed to.*
- Bill read the Third Time and passed.*
17. **A Bill for an Act to Provide for Establishment of Federal College of Forestry, Wawa Zange, Dukku, Gombe State, to Provide Full-Time Courses in Forestry, Technology and Development, to Improve Genetic Resources of Forest Trees and Eco-System for Economic Development and Applied Science Management and other fields of Study; and for Related Matters (HB. 1816) — Third Reading**
Motion made and Question proposed, "That a Bill for an Act to Provide for Establishment of Federal College of Forestry, Wawa Zange, Dukku, Gombe State, to Provide Full-Time Courses in Forestry, Technology and Development, to Improve Genetic Resources of Forest Trees and Eco-System for Economic Development and Applied Science Management and other fields of Study; and for Related Matters (HB. 1816) be now read the Third Time" (*Hon. Alhassan Ado Garba — House Leader*).
- Agreed to.*
- Bill read the Third Time and passed.*
18. **A Bill for an Act to Provide for Establishment of Federal College of Agriculture, Ijebu Jesa, Osun State; and for Related Matters (HB 322) — Third Reading**
Motion made and Question proposed, "That a Bill for an Act to Provide for Establishment of Federal College of Agriculture, Ijebu Jesa, Osun State; and for Related Matters (HB 322) be now read the Third Time" (*Hon. Alhassan Ado Garba — House Leader*).
- Agreed to.*
- Bill read the Third Time and passed.*
19. **A Bill for an Act to Establish Federal University of Agriculture and Technology, Orerokpe, Delta State and for Related Matters (HB. 663) — Third Reading**
Motion made and Question proposed, "That a Bill for an Act to Establish Federal University of Agriculture and Technology, Orerokpe, Delta State and for Related Matters (HB. 663) be now read the Third Time" (*Hon. Alhassan Ado Garba — House Leader*).
- Agreed to.*
- Bill read the Third Time and passed.*

20. **A Bill for an Act to Establish Institute of Strategic Management of Nigeria Empowered with the Responsibility, amongst Others, to Regulate and Determine the Standards of Knowledge, Skills and Qualification of Persons seeking to become professional Strategic Managers in Nigeria; and for Related Matters (HB.1024) — Third Reading**
Motion made and Question proposed, "That a Bill for an Act to Establish Institute of Strategic Management of Nigeria Empowered with the Responsibility, amongst Others, to Regulate and Determine the Standards of Knowledge, Skills and Qualification of Persons seeking to become professional Strategic Managers in Nigeria; and for Related Matters (HB.1024) be now read the Third Time" (*Hon. Alhassan Ado Garba — House Leader*).
- Agreed to.*
- Bill read the Third Time and passed.*
21. **A Bill for an Act to Establish Public Health Practitioners Council of Nigeria charged with Responsibility of Advancing the Study, Training and Practice of Public Health Management; and Administration in Nigeria and for Related Matters (HB. 1236) — Third Reading**
Motion made and Question proposed, "That a Bill for an Act to Establish Public Health Practitioners Council of Nigeria charged with Responsibility of Advancing the Study, Training and Practice of Public Health Management; and Administration in Nigeria and for Related Matters (HB.1236) be now read the Third Time" (*Hon. Alhassan Ado Garba — House Leader*).
- Agreed to.*
- Bill read the Third Time and passed.*
22. **A Bill for an Act to Establish Non-Governmental and Civil Society Organizations Agency for the Promotion of Social Development activities in Nigeria; and for Related Matters (HB. 2044) — Second Reading**
- Order read; deferred by leave of the House.*
23. **A Bill for an Act to Establish Federal Polytechnic, Sabon Birni Gobir, Sokoto State; and for Related Matters (HB. 1899) — Second Reading**
Motion made and Question proposed, "That a Bill for an Act to Establish Federal Polytechnic, Sabon Birni Gobir, Sokoto State; and for Related Matters (HB. 1899) be read a Second Time" (*Hon. Mohammed Saidu Bargaja — Isa/S. Birni Federal Constituency*).
- Debate.*
- Question that the Bill be now read a Second Time — Agreed to.*
- Bill read the Second Time.*
- Bill referred to the Committee on Tertiary Education and Services.*
24. **A Bill for an Act to Amend Section 39(1) of Corrupt Practices and Other Related Offences Act, Cap. C2 by including the Administration of Criminal Justice Act among Acts to which this Act applies; and for Related Matters (HB. 1919) — Second Reading**
- Order read; deferred by leave of the House.*
25. **A Bill for an Act to Amend the Utilities Charges Commission Act, Cap. U17, Laws of the Federation of Nigeria, 2004 to review upwards the fine stipulated for offences under the Act; and for Related Matters (HB. 1973) — Second Reading**

Order deferred by leave of the House.

26. **A Bill for an Act to Establish the Petroleum Training Institute, Agboncia Eleme to provide courses of Instruction, Training and Research in Petroleum Technology; and to Produce Technicians and other Skilled Personnel Required to run the Petroleum Industry; and for Related Matters (HB. 2031) — Second Reading**

Motion made and Question proposed, "That a Bill for an Act to Establish the Petroleum Training Institute, Agboncia Eleme to provide courses of Instruction, Training and Research in Petroleum Technology; and to Produce Technicians and other Skilled Personnel Required to run the Petroleum Industry; and for Related Matters (HB. 2031) be read a Second Time" (Hon. Chisom Promise Dike — Eleme/Oyigbo/Tai Federal Constituency).

Debate.

Question that the Bill be now read a Second Time — Agreed to.

Bill read the Second Time.

Bill referred to the Committee on Tertiary Education and Services.

27. **A Bill for an Act to Amend National Health Act, No 8 of 2014 to expand the Functions of the National Council to include the Provision of required Medical Equipment and Maintenance across the Federation and funding for the Provision of the Medical Equipment Maintenance for Primary, Secondary and Tertiary Healthcare Services in order to achieve the objectives of Providing improved National Healthcare Services to all Nigerians; and for Related Matters (HB. 1999) — Second Reading**

Order read; deferred by leave of the House.

28. **A Bill for an Act to Introduce Preventive Measures and Teachings of Sexual Gender-based Violence into the Curriculum as a Compulsory Subject (Civic Education) for all Secondary Schools in Nigeria; and for Related Matters (HB. 1937) — Second Reading**

Motion made and Question proposed, "That a Bill for an Act to Introduce Preventive Measures and Teachings of Sexual Gender-based Violence into the Curriculum as a Compulsory Subject (Civic Education) for all Secondary Schools in Nigeria; and for Related Matters (HB. 1937) be read a Second Time" (Hon. Julius Ihonvbere — Owan East/Owan West Federal Constituency).

Debate.

Question that the Bill be now read a Second Time — Agreed to.

Bill read the Second Time.

Bill referred to the Committee on Basic Education and Services.

29. **Rescission on the Referral of the Public Interest Disclosure and Complaints (Enactment) Bill**
Motion made and Question proposed:

The House:

Notes that on 4 May, 2022, the Public Interest Disclosure and Complaints (Enactment) Bill was passed by the Senate and the House of Representatives and transmitted to the Clerk of the National Assembly for onward transmission to the President C-in-C for Assent;

Recalls that the procedure required to pass the Bill as enshrined in the 1999 Constitution by a two-thirds majority of members of the House of Representatives;

Aware of the omission to have passed the Bill through the procedure indicated above

Desirous of the need for 2/3 majority of members in passing the Bill;

Resolves to:

Rescind its decision on the Bill as passed and re-commit same to the Committee of the whole for re-consideration and passage (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma Federal Constituency*).

Agreed to.

30. Need for Toll-Free Customer Care Call Center for Multi-National and Public Liability Companies in Nigeria

Motion made and Question proposed:

The House:

Notes that Multi-Nationals and Public Liabilities Companies in Nigeria have clients transacting business with them and most do not have a Toll-Free Telephone Lines for clients to reach them with their complaints;

Also notes that clients can reach out to companies through mediums like social media, electronic mails and text messages, however, clients generally prefer to reach out to such companies through phone calls;

Dismayed that the absence of a Toll-Free Customer Care Call Centre has subjected clients to charges for calls made to either lay complaints or seek resolution on disputes that arise in the course of transactions;

Cognizant of the need for Multi-Nationals and Public Liabilities Companies to provide Toll-Free Call Centres and display their telephone numbers on their official websites for easy access to the public as obtainable in other parts of the world;

Also cognizant that the introduction of Toll-Free Call Centres will promote their businesses and guarantee an effective customer service delivery system;

Resolves to:

- (i) urge the Federal Ministry of Communications and Digital Economy to direct Multi-Nationals and Public Liabilities Companies in Nigeria to provide Toll-Free Call Centers for their customers and clients in Nigeria;
- (ii) mandate the Committees on Tele-Communications, and Legislative Compliance to ensure implementation (*Hon. Mayokun Lawson Alade — Akure North/Akure South Federal Constituency*).

Debate.

Agreed to.

The House:

Notes that Multi-Nationals and Public Liabilities Companies in Nigeria have clients transacting business with them and most do not have a Toll-Free Telephone Lines for clients to reach them with their complaints;

Also noted that clients can reach out to companies through mediums like social media, electronic mails and text messages, however, clients generally prefer to reach out to such companies through phone calls;

Dismayed that the absence of a Toll-Free Customer Care Call Centre has subjected clients to charges for calls made to either lay complaints or seek resolution on disputes that arise in the course of transactions;

Cognizant of the need for Multi-Nationals and Public Liabilities Companies to provide Toll-Free Call Centres and display their telephone numbers on their official websites for easy access to the public as obtainable in other parts of the world;

Also cognizant that the introduction of Toll-Free Call Centres will promote their businesses and guarantee an effective customer service delivery system;

Resolved to:

- (i) urge the Federal Ministry of Communications and Digital Economy to direct Multi-Nationals and Public Liabilities Companies in Nigeria to provide Toll-Free Call Centers for their customers and clients in Nigeria;
- (ii) mandate the Committees on Tele-Communications, and Legislative Compliance to ensure compliance (HR. 44/07/2022).

31. Call for Intervention in Nigeria's Losses in the Fight against Malaria

Motion made and Question proposed:

The House:

Notes that Nigeria accounts for 27 percent of malaria cases and 31 percent of malaria deaths worldwide, with malaria killing no fewer than 200,000 Nigerians and afflicting 61 million others in 2021 alone;

Also notes that despite efforts to contain malaria, Nigeria loses over \$1 billion (N645.7 billion) yearly in the prevention and treatment of the disease as well as other costs;

Aware that Nigeria has over the years made notable progress in scaling up and impact of malaria interventions as regards the utilization of mosquito nets for children less than five years has increased significantly from 6% to 49% and parasite prevalence reduced from 42% in 2010 to 23% in 2018;

Also aware that the National Malaria Elimination Programme (NMEP) is the body responsible for formulating and facilitating policy and guidelines, coordinating the activities of partners and stakeholders on malaria control activities, providing technical support to states malaria programs, Local Government Areas and stakeholders, mobilizing resources, monitoring and evaluating progress and outcomes in malaria elimination efforts across the country;

Concerned by a recent report from the Office of the Inspector General of the Global Fund, indicating that NMEP has fallen from a B1 to B2 rating within 6 months, which undermines Nigeria's shot at accessing future grants and partnerships in the fight to eliminate Malaria;

Also concerned that considering that Nigeria is one of the biggest beneficiaries of the Global Fund grant with a value of \$412 million, the country is at risk of losing the grant and other partnership opportunities as a result of poor absorption, poor performance and lack of domestic resource mobilization;

Further concerned that the poor performance by NMEP has caused the World Health Organization

(WHO) to neglect Nigeria in favour of Ghana, Kenya, and Malawi for the rollout of the RTS-Sj AS01 malaria vaccine;

Mindful that with the onset of the rainy season, Nigeria is in dire need of malaria interventions;

Recalls that on December 2, 2020, the Federal Government inaugurated the National Steering Committee of World Bank Supported Immunization Plus and Malaria Progress by Accelerating Coverage and Transforming Services Project (IMPACT), which is a \$300 million project facility designed to fast-track government's intervention in malaria to reduce under-five mortality in the Nigeria for 13 beneficiary states;

Worried that almost 2 years later, despite the preparedness of the World Bank and the Islamic Bank to disburse the funds, the IMPACT Project is yet to commence;

Also worried that in the past year, non-approved mosquito nets have been procured and distributed in Nigeria without any rejection by the leadership of the National Malaria Programme despite a resolution by the House of Representatives calling for the prioritization of local content in the procurement of Malaria commodities;

Disturbed that if nothing is done to address the underperformance of NMEP and improve the quality of malaria interventions in Nigeria, the country will continue to lose huge sums annually as well as thousands of lives;

Resolves to:

- (i) urge the Federal Ministry of Health, the National Malaria Programme, and other relevant Ministries, Departments and Agencies to comply with the resolution to prioritize local content when procuring Malaria Commodities using funds from the IMPACT Projects facility;
- (ii) Mandate the Committees on HIV/AIDS, Tuberculosis and Malaria Control, Healthcare Services and Health Institutions to:
 - (a) invite the Leadership of the National Malaria Programme to explain why defective mosquito nets are still being procured, imported and distributed in Nigeria against World Health Organisation Standards and Local Content directives from the House,
 - (b) investigate the late/non-disbursement of the IMPACT Project funds, the alleged under-performance and down rating of the National Malaria Elimination Programme (NMEP) by the Office of the Inspector General of the Global Fund and the procurement and distribution of non-approved mosquito nets across the country and report within six (6) weeks (*Hon. Benjamin Okezie Kalu – Bende Federal Constituency and 2 other*).

Debate.

Agreed to.

The House:

Noted that Nigeria accounts for 27 percent of malaria cases and 31 percent of malaria deaths worldwide, with malaria killing no fewer than 200,000 Nigerians and afflicting 61 million others in 2021 alone;

Also noted that despite efforts to contain malaria, Nigeria loses over \$1 billion (N645.7 billion) yearly in the prevention and treatment of the disease as well as other costs;

Aware that Nigeria has over the years made notable progress in scaling up and impact of malaria interventions as regards the utilization of mosquito nets for children less than five years has increased significantly from 6% to 49% and parasite prevalence reduced from 42% in 2010 to 23% in 2018;

Also aware that the National Malaria Elimination Programme (NMEP) is the body responsible for formulating and facilitating policy and guidelines, coordinating the activities of partners and stakeholders on malaria control activities, providing technical support to states malaria programs, Local Government Areas and stakeholders, mobilizing resources, monitoring and evaluating progress and outcomes in malaria elimination efforts across the country;

Concerned by a recent report from the Office of the Inspector General of the Global Fund, indicating that NMEP has fallen from a B1 to B2 rating within 6 months, which undermines Nigeria's shot at accessing future grants and partnerships in the fight to eliminate Malaria;

Also concerned that considering that Nigeria is one of the biggest beneficiaries of the Global Fund grant with a value of \$412 million, the country is at risk of losing the grant and other partnership opportunities as a result of poor absorption, poor performance and lack of domestic resource mobilization;

Further concerned that the poor performance by NMEP has caused the World Health Organization (WHO) to neglect Nigeria in favour of Ghana, Kenya, and Malawi for the rollout of the RTS-Sj AS01 malaria vaccine;

Mindful that with the onset of the rainy season, Nigeria is in dire need of malaria interventions;

Recalled that on December 2, 2020, the Federal Government inaugurated the National Steering Committee of World Bank Supported Immunization Plus and Malaria Progress by Accelerating Coverage and Transforming Services Project (IMPACT), which is a \$300 million project facility designed to fast-track government's intervention in malaria to reduce under-five mortality in the Nigeria for 13 beneficiary states;

Worried that almost 2 years later, despite the preparedness of the World Bank and the Islamic Bank to disburse the funds, the IMPACT Project is yet to commence;

Also worried that in the past year, non-approved mosquito nets have been procured and distributed in Nigeria without any rejection by the leadership of the National Malaria Programme despite a resolution by the House of Representatives calling for the prioritization of local content in the procurement of Malaria commodities;

Disturbed that if nothing is done to address the underperformance of NMEP and improve the quality of malaria interventions in Nigeria, the country will continue to lose huge sums annually as well as thousands of lives;

Resolved to:

- (i) urge the Federal Ministry of Health, the National Malaria Programme, and other relevant Ministries, Departments and Agencies to comply with the resolution to prioritize local content when procuring Malaria Commodities using funds from the IMPACT Projects facility;
- (ii) mandate the Committees on HIV/AIDS, Tuberculosis and Malaria Control, Healthcare Services and Health Institutions to:
 - (a) invite the Leadership of the National Malaria Programme to explain why defective mosquito nets are still being procured, imported and distributed in Nigeria against World Health Organisation Standards and Local Content directives from the House,

- (b) investigate the late/non-disbursement of the IMPACT Project funds, the alleged under-performance and down rating of the National Malaria Elimination Programme (NMEP) by the Office of the Inspector General of the Global Fund and the procurement and distribution of non-approved mosquito nets across the country and report within six (6) weeks (HR. 45/07/2022).

32. Need to Rehabilitate Ilesha-Baruba-Chikanda Road in Baruten Local Government Area of Kwara State

Motion made and Question proposed:

The House:

Notes that Ilesha Baruba-Chikanda Road is a trunk 'A' Road that passes through several Communities in Baruten Local Government Area of Kwara State;

Also notes that the road is a major link from Nigeria to the Republic of Benin, facilitating economic activities between Nigeria and the neighbouring countries;

Concerned that the deplorable condition of the road has caused accidents in recent times, which have resulted in the loss of lives and properties;

Worried that the dilapidated state of the road has caused untold hardships to commuters who are forced to waste countless hours trying to manoeuvre the failed portions on the road;

Also worried that neglecting the road will negatively impact the economy of Kwara State and Nigeria as a whole;

Resolves to:

- (i) urge the Federal Roads Maintenance Agency (FERMA) to make provisions for the rehabilitation of Ilesha-Baruba-Chikanda Road in Baruten Local Government Area of Kwara State in its 2023 Budget estimates;
- (ii) mandate the Committee on Works to ensure compliance (*Hon. Mohammed Omar Bio — Baruten/Kaima Federal Constituency and 2 other*).

Debate.

Amendment Proposed:

In Prayer (ii), immediately after the words "Committee on", insert the words "Federal Roads Maintenance Agency (FERMA) and" (*Hon. Agbedi Yeitiemone Federick — Sagbama/Ekeremor Federal Constituency*).

Question that the amendment be made — Agreed to.

Question on the Motion as amended — Agreed to.

The House:

Noted that Ilesha Baruba-Chikanda Road is a trunk 'A' Road that passes through several Communities in Baruten Local Government Area of Kwara State;

Also noted that the road is a major link from Nigeria to the Republic of Benin, facilitating economic activities between Nigeria and the neighbouring countries;

Concerned that the deplorable condition of the road has caused accidents in recent times, which have resulted in the loss of lives and properties;

Worried that the dilapidated state of the road has caused untold hardships to commuters who are forced to waste countless hours trying to manoeuvre the failed portions on the road;

Also worried that neglecting the road will negatively impact the economy of Kwara State and Nigeria as a whole;

Resolved to:

- (i) urge the Federal Roads Maintenance Agency (FERMA) to make provisions for the rehabilitation of Ilesha-Baruba-Chikanda Road in Baruten Local Government Area of Kwara State in its 2023 Budget estimates;
- (ii) mandate the Committees on Federal Roads Maintenance Agency (FERMA), and Works to ensure compliance (**HR. 46/07/2022**).

33. Call on the Federal Ministry of Agriculture and Rural Development to include Anambra and Enugu States in the Ongoing National Agricultural Growth Scheme (NAGS) Under ATASP-I: Motion made and Question proposed:

The House:

Notes that the ongoing National Agricultural Growth Scheme (NAGS) under ATASP-1 being implemented by the Federal Ministry of Agriculture and Rural Development failed to capture Anambra and Enugu States;

Also notes that the perceived oversight might not be deliberate in view of the pivotal role both States play in terms of agricultural production;

Worried that if nothing is done in this regard, the tendency that these States will be left out is very high;

Concerned that the non-inclusion of these States in the project would definitely affect the progress already recorded in the past years;

Also concerned that many farmers who are currently yearning and waiting for intervention would end up disappointed;

Resolves to:

- (i) urge the Federal Ministry of Agriculture and Rural Development to revisit this omission with a view to including these two States in the project;
- (ii) mandate the Committee on Agricultural Production and Services to ensure compliance (**Hon. Vincent Ofumelu — Oyi/Ayamelum Federal Constituency and 3 other**).

Debate.

Agreed to.

The House:

Noted that the ongoing National Agricultural Growth Scheme (NAGS) under ATASP-1 being implemented by the Federal Ministry of Agriculture and Rural Development failed to capture Anambra and Enugu States;

Also noted that the perceived oversight might not be deliberate in view of the pivotal role both States play in terms of agricultural production;

Worried that if nothing is done in this regard, the tendency that these States will be left out is very high;

Concerned that the non-inclusion of these States in the project would definitely affect the progress already recorded in the past years;

Also concerned that many farmers who are currently yearning and waiting for intervention would end up disappointed;

Resolved to:

- (i) urge the Federal Ministry of Agriculture and Rural Development to revise this omission with a view to including these two States in the project;
- (ii) mandate the Committee on Agricultural Production and Services to ensure compliance (HR. 47/07/2022).

34. **Call on the Federal Government to Establish a Threat Management and Repellant Inter-Security Agencies Task Force in Correctional Centres Across the Country**

Order read; deferred by leave of the House.

35. **Investigation of the Credibility, Transparency and Accountability of the Independent National Electoral Commission (INEC) Electoral Processes including its Interpretation and Implementation of the Electoral Act, 2022**

Motion made and Question proposed:

The House:

Aware of the concerns in the country on the INEC's shortcomings in the conduct of recent off-season elections in Ekiti and Osun States regardless of the added focus, attention and resources and the consequent fear about its ability to conduct free and fair elections in the forthcoming 2023 elections when voting will be required to take place simultaneously across the country;

Notes that these concerns include INEC insistence on terminating the ongoing voters registration exercise regardless of the millions of Nigerians who will be disenfranchised citing the need to produce voters cards on time, allegations that results from polling units are not actually transmitted directly to INEC's central server in Abuja as claimed by INEC but are collated on computer's bye-collation officers at the ward levels across the country who are the ones who transmit the results from their systems to the central server and are able to manipulate the votes cast for each candidate at that level but not the number of accredited voters;

Also notes other concerns about INEC lack of entrenched due process in decision making which sees it make and change guidelines and regulations arbitrarily to the benefit of certain political parties and sometimes in conflict with provisions of the 2022 Electoral Act. Other allegations include the ability to tamper with the Bimodal Voters Accreditation System (BVAS) machine by INEC's technical team who are usually deployed across the country to monitor the functioning of the machines;

Worried about the recent unguarded and erroneous interpretation of certain provisions of the 2022 Electoral Act by the INEC Resident Electoral Officer (REC) in Akwa Ibom State Mr Mike Igini who while referring to Section 115 (d) of the 2022 Electoral Act said amongst several other things that politicians will go to jail for buying more than one nomination form claiming, "we are preventing them from being candidates for prison and they are calling our names everywhere" implying INEC is making decisions about politician's and the electoral process based on flawed interpretation of the Act without recourse to the National Assembly or a court of competent jurisdiction for proper interpretation;

Also worried as originators and custodians of the 2022 Electoral Act about the controversy Mr Igini's comments has generated across the country and the potential this has to unnecessarily heat up the polity and instigate frivolous and unwarranted litigation that can disrupt the smooth conduct of the forthcoming elections;

Resolves to:

Mandate the Committee on Electoral Matters to investigate the:

- (i) Independent National Electoral Commission's process of voter's registration including alleged constraints on timely procurement/production of voter's cards although the year to the 2023 elections;
- (ii) Independent National Electoral Commission's voting process from accreditation to transmission of results including a practical demonstration to the Nigerian public to ascertain the existence of a central INEC server, the transmission of results from polling units, the existence of e-collation officers and the ability to manipulate voting results at that level, ability or not to manipulate the BVAS machine;
- (iii) proper interpretation of provisions of section 115 (d) and other provisions of the 2022 Electoral Act by INEC, its National Commissioners, RECs and other staff including the status of legal advice available within the Commission to guide the implementation of the Act and determine whether any infractions have been committed by Mr Mike Igini or any other INEC staff in their interpretation and implementation of the Act;
- (iv) existing due process in decision making by INEC with regards to guidelines, regulations and whether any of such decisions conflict with the provisions of the Act. Report in 8 weeks (Hon. Mark Terser Gbillah - Gwer East/Gwer West Federal Constituency).

Debate:

Agreed to.

The House:

Aware of the concerns in the country on the INEC's shortcomings in the conduct of recent off-season elections in Ekiti and Osun States regardless of the added focus, attention and resources and the consequent fear about its ability to conduct free and fair elections in the forthcoming 2023 elections when voting will be required to take place simultaneously across the country;

Noted that these concerns include INEC insistence on terminating the ongoing voters registration exercise regardless of the millions of Nigerians who will be disenfranchised the need to produce voters cards on time, allegations that results from polling units are not directly transmitted to INEC's central server in Abuja as claimed by INEC but are collated by computer's bye-collation officers at the ward levels across the country who are the ones who transmit the results from their systems to the central server and are able to manipulate the votes of a candidate at that level but not the number of accredited voters;

Also noted other concerns about INEC lack of entrenched due process in decision making which sees it make and change guidelines and regulations arbitrarily to the benefit of certain political parties and sometimes in conflict with provisions of the 2022 Electoral Act. Other allegations include the ability to tamper with the Bimodal Voters Accreditation System (BVAS) machine by INEC's technical team who are usually deployed across the country to monitor the functioning of the machines;

Worried about the recent unguarded and erroneous interpretation of certain provisions of the 2022 Electoral Act by the INEC Resident Electoral Officer (REC) in Akwa Ibom State Mr Mike Igini who while referring to Section 115 (d) of the 2022 Electoral Act said amongst several other things that politicians will go to jail for buying more than one nomination form claiming, "we are preventing them from being candidates for prison and they are calling our names everywhere" implying INEC is making decisions about politician's and the electoral process based on flawed interpretation of the Act without recourse to the National Assembly or a court of competent jurisdiction for proper interpretation;

Also worried as originators and custodians of the 2022 Electoral Act about the controversy Mr Igini's comments has generated across the country and the potential this has to unnecessarily heat up the polity and instigate frivolous and unwarranted litigation that can disrupt the smooth conduct of the forthcoming elections;

Resolved to:

Mandate the Committee on Electoral Matters to investigate the:

- (i) Independent National Electoral Commission's process of voter's registration including alleged constraints on timely procurement/production of voter's cards although the year to the 2023 elections;
- (ii) Independent National Electoral Commission's voting process from accreditation to transmission of results including a practical demonstration to the Nigerian public to ascertain the existence of a central INEC server, the transmission of results from polling units, the existence of e-collation officers and the ability to manipulate voting results at that level, ability or not to manipulate the BVAS machine;
- (iii) proper interpretation of provisions of section 115 (d) and other provisions of the 2022 Electoral Act by INEC, its National Commissioners, RECs and other staff including the status of legal advice available within the Commission to guide the implementation of the Act and determine whether any infractions have been committed by Mr Mike Igini or any other INEC staff in their interpretation and implementation of the Act;
- (iv) existing due process in decision making by INEC with regards to guidelines, regulations and whether any of such decisions conflict with the provisions of the Act. Report in 8 weeks (HR. 48/07/2022).

36. Consideration of Reports

- (i) *A Bill for an Act to Establish Federal Medical Centre, Mubi, Adamawa State; and for other Related Matters (HB. 679) (Committee of the Whole):*
Motion made and Question proposed, "That the House do consider the Report on a Bill for an Act to Establish Federal Medical Centre, Mubi, Adamawa State; and for other Related Matters (HB. 679)" (Hon. Peter Akpatason — Deputy House Leader).

Agreed

Que: ... that the House do resolve into the Committee of the Whole to consider the Report — Agreed to.

(HOUSE IN COMMITTEE)*(Mr Deputy Speaker in the Chair)*

A BILL FOR AN ACT TO ESTABLISH THE FEDERAL
MEDICAL CENTRE, MUBI, ADAMAWA STATE;
AND FOR RELATED MATTERS (HB. 679)

PART I — ESTABLISHMENT OF THE FEDERAL
MEDICAL CENTRE, MUBI, ADAMAWA STATE

Clause 1:**Establishment of the Federal Medical Centre, Mubi, Adamawa State.**

- (1) There is hereby established the Federal Medical Centre, Mubi, Adamawa State (in this Bill referred to as "the Medical Centre") and the Medical Centre shall serve as the Medical Centre subject to the provision of the Bill.
- (2) The Medical Centre:
 - (a) shall be a body corporate;
 - (b) may sue and be sued in its corporate name;
 - (c) shall have perpetual succession and a common seal (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 1 stands part of the Bill — Agreed to.

Clause 2:**Establishment of the Board of Management of the Medical Centre:**

There is hereby established for the management of the Medical Centre a Board of Management (in this Bill referred to as "Board") which shall be constituted and have the functions and powers set out in this Bill (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 2 stands part of the Bill — Agreed to.

Clause 3:**Membership of the Board.**

- (1) The Board shall consist of:
 - (a) a Chairman;
 - (b) the Medical Director of the Medical Centre;
 - (c) the Director of Clinical Services;
 - (d) Association of Medical laboratory scientists;
 - (e) one person to represent each Medical and Health Workers Union;
 - (f) one person to represent National Union of Allied Health Professional;
 - (g) the representative of the Minister of health who should not be below the rank of Assistant Director;
 - (h) the Federal Ministry of Health;

- (i) the National Planning Commission;
- (j) one representative of Nigerian Medical Association;
- (k) the Pharmaceutical Society of Nigeria;
- (l) the Association of Medical Laboratory Scientists of Nigeria;
- (m) the Pediatrics Association of Nigeria;

(n) the National Association of Nigerian Nurses and Midwives.

(2) The chairman and members of the Board, other than ex-officio members,

- (a) appointed by the President; and
- (b) persons of proven integrity and ability.

Schedule

(3) The supplementary provisions set out in the Schedule to this Bill shall have effect with respect to the proceedings of the Board and the other matters contained therein. (Hon. Alhassan Ado Garba — House Leader).

Question that Clause 3 stands part of the Bill — Agreed to.

Clause 4: Term of office.

Subject to the provisions of section 5 of this Bill, a member of the Board, other than ex-officio members, shall hold office

- (a) for a term of three years in the first instance and may be re-appointed for a further term of three years and no more; and
- (b) on such terms and conditions as may be specified in his letter of appointment (Hon. Alhassan Ado Garba — House Leader).

Question that Clause 41 stands part of the Bill — Agreed to.

Clause 5: Cessation of membership.

(1) Notwithstanding the provisions of section 4 of this Bill a person shall cease to hold office as a member of the Board if:

- (a) he becomes bankrupt, suspends payment of principal loan with his creditors;
- (b) he is convicted of a felony or any offence involving dishonesty or fraud;
- (c) he becomes of unsound mind or is incapable of carrying out his duties;
- (d) he is guilty of a serious misconduct in relation to his duties; or

- (e) in the case of a person possessed of professional qualifications, he is disqualified or suspended, other than at his own request, from practising his profession in any part of the world by an order of a competent authority made in respect of that member; or
- (f) he resigns his appointment by a letter addressed to the President.
- (2) If a member of the Board ceases to hold office for any reason whatsoever, before the expiration of the term for which he is appointed, another person representing the same Interest as that member shall be appointed to the Board for the unexpired term.
- (3) A member of the Board may be removed by the President if he is satisfied that it is not in the interest of the Medical Centre or the interest of the public that the member continues in office (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 5 stands part of the Bill — Agreed to.

Clause 6: Allowance of the Board.

There shall be paid to every member of the Board such allowances and expenses as the Revenue Mobilization Allocation and Fiscal Commission may, from time to time, direct (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 6 stands part of the Bill — Agreed to.

PART II — FUNCTIONS AND POWERS OF THE BOARD, ETC.

Clause 7: Function of the Board.

- (1) The Board shall:
- (a) equip, maintain and operate the Medical Centre so as to provide facilities for diagnosis, curative, promotive and rehabilitative services in medical treatment;
- (b) construct, equip, maintain and operate such training schools and similar institutions as the Board considers necessary for providing the Medical Centre at all times with a proper staff of the Medical Centre technicians and nurses;
- (c) construct, equip, maintain and operate such clinics, out-patient departments, laboratories, research or experimental stations and other like institutions as the Board considers necessary for the efficient functioning of the Medical Centre.
- (2) The Board shall ensure that the standards of teaching provided at all establishments under its control and the standards of treatment and care provided for patients at those establishments do not fall below those usually provided by similar establishments of international repute.
- (3) Subject to this Bill, the Board shall perform such other functions which in its opinion are calculated to facilitate the carrying out of its functions under this Bill (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 7 stands part of the Bill — Agreed to.

Clause 8: Powers of the Board.

The Board shall have power to:

- (a) provide the general policies and guidelines relating to major expansion programmes of the Medical Centre;
- (b) provide facilities for the training of medical students of associate universities;
- (c) manage and superintend the affairs of the Medical Centre;
- (d) subject to the provisions of this Bill, make, alter and revoke rules and regulations for carrying on the functions of the Medical Centre;
- (e) fix terms and conditions of service, including remuneration of the employees of the Medical Centre subject to the approval of National Salaries Incomes and Wages Commission;
- (f) do such other things which in the opinion of the Board are necessary to ensure the efficient performance of the functions of the Medical Centre (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 8 stands part of the Bill — Agreed to.

PART III — STAFF OF THE MEDICAL CENTRE

Clause 9: Medical Director of the Medical Centre.

- (1) There shall be for the Medical Centre a Medical Director who shall be appointed by the President on the recommendation of Hon. Minister of Health on such terms and conditions as may be specified in his letter of appointment or as may be determined, from time to time, by the National Salaries Income and Wages Commission.
- (2) The Medical Director shall:
 - (a) be the chief executive and accounting officer of the Medical Centre;
 - (b) be responsible to the Board for the day-to-day administration of the Medical Centre;
 - (c) be appointed for a term of four years in the first instance and may be reappointed for a further term of four years subject to satisfactory performance;
 - (d) be a person who is a medical practitioner and shall have been so qualified for a period of not less than 15 years;
 - (e) have considerable administrative experience in matters of health;
 - (f) hold a post-graduate specialist qualification obtained not less than ten years prior to the appointment as Medical Director (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 9 stands part of the Bill — Agreed to.

Clause 10

Appointment of Directors and other staff of the Medical Centre.

- (1) The Board shall appoint for the Medical Centre:
- (a) a Director of Administration, who shall:
 - (i) be responsible to the Medical Director for the effective functioning of all the administrative divisions of the Medical Centre;
 - (ii) conduct the correspondence of the Board and keep the records of the Medical Centre; and
 - (iii) perform such other functions as the Board or the Medical Director, as the case may be, may, from time to time, assign to him;
 - (b) a Director of Clinical Services;
 - (c) a Director of Finance;
 - (d) a Director of Maintenance.
- (2) The Directors appointed under paragraphs (b), (c) and (d) of subsection (1) of this section shall each be responsible to the Medical Director for the effective running of the clinical services, the finance and accounts and the co-ordination of the maintenance of the Medical Centre, as the case may be.
- (3) The Board shall appoint for the Medical Centre such number of employees as may in opinion of the Board expedient and necessary for the proper and efficient performance of the functions of the Medical Centre.
- (4) Notwithstanding the provisions of subsections (1) and (2) of this section the Board shall have power to appoint for the Medical Centre either directly or on secondment from any public service in the Federation, such number of employees as may, in the opinion of the Board, be required to assist the Medical Centre in the discharge of any of its functions under this Bill.
- (5) Nothing in subsection (4) of this section shall preclude the Board from appointing persons from outside the public service of the Federation or of the State whenever it deems it necessary so to do.
- (6) The terms and conditions of service of the employees of the Medical Centre shall be as determined by the National Salaries Income and Wages Commission (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 10 stands part of the Bill — Agreed to.

Clause 11:

Service in the Medical Centre to be pensionable.

- (1) Service in the Medical Centre shall be approved service for the purposes of the Pensions Reforms Act.
- (2) The officers and other persons employed in the Medical Centre shall be entitled to pensions, gratuities and other retirement benefits as are enjoyed by persons holding equivalent grades in the civil service of the Federation.
- (3) Nothing in subsections (1) and (2) of this section shall prevent the

appointment of a person to any office on terms which preclude the grant of pension and gratuity in respect of that office (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 11 stands part of the Bill — Agreed to.

Clause 12: Establishment of the medical advisory committee, etc.

- (1) There shall be for the Medical Centre a Medical Advisory Committee which shall:
- (a) consist of a chairman who shall be the Director, Clinical Services and such number of other members as may be determined from time to time;
 - (b) be responsible to the Medical Director for all the clinical and training activities of the Medical Centre; and
 - (c) be appointed by the Board.
- (2) Subject to this Bill, the Board shall have power to appoint either directly or on secondment and discipline consultants holding or acting in any office in the hospital; and any such appointment shall be made having due regard to the approved personnel establishment of the Medical Centre.
- (3) Notwithstanding anything to the contrary, the Board may, from time to time, appoint consultants outside the hospital to perform such medical duties as the Board or the Medical Director may assign to such consultants (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 12 stands part of the Bill — Agreed to.

PART IV — FINANCIAL PROVISIONS

Clause 13: Fund of the Medical Centre.

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

- (a) all subventions and budgetary allocation from the Government of the Federation;
- (b) all fees and funds accruing from the sale of drugs and other services;
- (c) all sums accruing to the Medical Centre by way of gifts, endowments, bequests, grants or other contributions by persons and organisations;
- (d) foreign aid and assistance from bilateral agencies; and
- (e) all other sums which may, from time to time, accrue to the Medical Centre (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 13 stands part of the Bill — Agreed to.

Clause 14: Expenditure of the Medical Centre.

The hospital shall, from time to time, apply the funds at its disposal to:

the cost of administration and maintenance of the Medical Centre;

- (b) publicize and promote the activities of the Medical Centre;
- (c) pay allowances, expenses and other benefits of members of the Board and committees of the Board;
- (d) pay the salaries, allowances and benefits of employees of the Medical Centre;
- (e) pay other overhead allowances, benefits and other administrative costs of the Medical Centre; and
- (f) undertake such other activities as are connected with all or any of the functions of the Medical Centre under this Bill (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 14 stands part of the Bill — Agreed to.

Clause 15: Power to accept gifts.

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

Question that Clause 15 stands part of the Bill — Agreed to.

Clause 16: Annual estimate and expenditure.

- (1) The Board shall, not later than 30 September in each year, submit to the President through the Secretary to the Government of the Federation an estimate of the expenditure and income of the Medical Centre during the next succeeding year.
- (2) The Board shall cause to be kept proper accounts of the Medical Centre in respect of each year and proper records in relation thereto and shall cause the accounts to be audited not later than six months after the end of each year by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 16 stands part of the Bill — Agreed to.

Clause 17: Annual report.

The Board shall prepare and submit to the President, not later than 30th June in each year, a report in such form as the President may direct on the activities of the Medical Centre during the immediately preceding year, and shall include in the report a copy of the audited accounts of the Federal Medical Centre for that year and the auditor's report thereon (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 17 stands part of the Bill — Agreed to.

Clause 18: Power of borrow.

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

Question that Clause 18 stands part of the Bill — Agreed to.

Clause 19: Exemption from tax.

- (1) The Medical Centre shall not pay income tax on any income derived by the Federal Medical Centre under this Bill or accruing to it from any of its investments.
- (2) Accordingly, the provisions of any enactment relating to the taxation of companies or trust funds shall not apply to the Board of the Federal Medical Centre (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 19 stands part of the Bill — Agreed to.

Clause 20: Exemption from customs duties, etc.

The Medical Centre shall not pay customs duty on or be restricted or prohibited from importing any equipment, material, supply and any other thing required by the Medical Centre for the purposes of this Bill (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 20 stands part of the Bill — Agreed to.

PART V — GENERAL

Clause 21: Discipline of student.

- (1) Notwithstanding anything to the contrary contained in any other enactment, where it appears to the Board that any student of the Medical Centre has been guilty of misconduct, the Board may, without prejudice to any other disciplinary powers conferred on it by regulations, direct:
 - (a) that the student shall not, during such period as may be specified in the direction, participate in such activities of the Medical Centre, or make use of such facilities of the Medical Centre as may be so specified;
 - (b) that the activities of the student shall, during such period as may be specified in the direction, be restricted in such manner as may be so specified;
 - (c) that the student be rusticated for such period as may be specified in the direction; or
 - (d) that the student be expelled from the Medical Centre.

- (2) The fact that an appeal from a direction is brought in pursuance of subsection (1) of this section shall not affect the operation of the direction while the appeal is pending.
- (3) The Board may delegate its powers under this section to a disciplinary committee consisting of such members of the Medical Centre as the Board may nominate.
- (4) Nothing in this section shall be construed as preventing the restriction or termination of student's activities at the Medical Centre otherwise than on the ground of misconduct.
- (5) A direction issued under subsection (1) (a) of this section may be combined with a direction issued under subsection (1) (b) of this section.
- (6) Nothing in this Bill shall affect the provisions of any enactment relating to the discipline of medical practitioners, pharmacists, midwives, nurses or members of any other profession or calling (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 21 stands part of the Bill — Agreed to.

Clause 22:

Removal and discipline of clinical, administrative and technical staff.

- (1) If it appears to the Board that there are reasons for believing that any person employed as a member of the clinical, administrative or technical staff of the Medical Centre, other than the Medical Director, should be removed from his office or employment, the Board shall require the Director of Administration to:
 - (a) give notice of those reasons to the person in question;
 - (b) afford him an opportunity of making representations in person on the matter to the Board; and
 - (c) if the person in question so requests within a period of 1 month beginning with the date of the notice, make arrangements for:
 - (i) a committee to investigate the matter and report on it to the Board; and
 - (ii) the person in question to be afforded an opportunity of appearing before and being heard by an investigating committee set up with respect to the matter, and if the Board, after considering the report of the investigating committee, is satisfied that the person in question should be removed as aforesaid, the Board may so remove him by a letter signed on the direction of the Board.
- (2) The Medical Director may, in a case of misconduct by a member of the staff which in the opinion of the Medical Director is prejudicial to the interest of the Medical Centre, suspend any such member and any such suspension shall forthwith be reported to the Board.
- (3) For good cause, any member of staff may be suspended from his duties or his appointment may be terminated or he may be dismissed by the Board and for the purposes of this section, "good cause" means:

- (a) a conviction for any offence which the Board considers to be such as to render the person concerned unfit for the discharge of the functions of his office;
- (b) any physical or mental incapacity which the Board, after obtaining medical advice, considers to be such as to render the person concerned unfit to continue to hold his office;
- (c) conduct of a scandalous or other disgraceful nature which the Board considers to be such as to render the person concerned unfit to continue to hold his office; or
- (d) conduct which the Board considers to be such as to constitute a failure or inability of the person concerned to discharge the functions of his office or to comply with the terms and conditions of his service.
- (4) Any person suspended shall, subject to subsections (2) and (3) of this section be on half pay and the Board shall before the expiration of a period of three months after the date of such suspension consider the case against that person and come to a decision as to:
- (a) whether to continue the person's suspension and if so, on what terms (including the proportion of his emoluments to be paid to him);
- (b) whether to reinstate the person, in which case the Board shall restore his full emoluments to him with effect from the date of suspension;
- (c) whether to terminate the appointment of the person concerned, in which case he shall not be entitled to the proportion of his emoluments withheld during the period of suspension; or
- (d) whether to take such lesser disciplinary action against the person (including the restoration of his emoluments that might have been withheld), as the Board may determine, and in any case where the Board, pursuant to this section, decides to continue a person's suspension or decides to take further disciplinary action against a person, the Board shall before the expiration of a period of three months from such decision come to a final determination in respect of the case concerning any such person.
- (5) It shall be the duty of the person by whom a letter of removal is signed in pursuance of subsection (1) of this section to use his best endeavors to cause a copy of the letter to be served as soon as reasonably practicable on the person to whom it relates.
- (6) Nothing in the foregoing provisions of this section shall preclude the Board from making such regulations not inconsistent with the provisions of this Bill for the discipline of students and all other categories of employees of the hospital as the Board may prescribe.
- (7) Regulations made under subsection (6) of this section need not be published in the Gazette but the Board shall cause them to be brought to the notice of all affected persons in such manner as it may, from time to time, determine
(Hon. Alhassan Ado Garba — House Leader).

Question that Clause 22 stands part of the Bill — Agreed to.

Clause 22: Discipline of junior staff.

- (1) If any junior staff is accused of misconduct or inefficiency, the Medical Director may suspend him for not more than a period of 3 months and shall direct a committee to:
 - (a) consider the case; and
 - (b) make recommendations as to the appropriate action to be taken by the Medical Director.
- (2) In all cases under this section of this Bill, the officer shall be informed of the charge against him and given a reasonable opportunity to defend himself.
- (3) The Medical Director may, after considering the recommendation made pursuant to subsection (1) (b) of this section, dismiss, or take such other disciplinary action against the officer concerned.
- (4) Any person aggrieved by a decision of the Medical Director made under subsection (3) of this section may, within a period of 21 days from the date of the letter communicating the decision to him, address a petition to the Board to reconsider his case (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 23 stands part of the Bill — Agreed to.

PART VI — MISCELLANEOUS

Clause 24: Regulations.

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

Question that Clause 24 stands part of the Bill — Agreed to.

Clause 25: Power to give directives.

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

Question that Clause 25 stands part of the Bill — Agreed to.

Clause 26: Transition and saving provision.

- (1) On the commencement of this Bill, any person employed by or serving in, the medical Centre shall be deemed to have been employed or serving in the Medical Centre established under this Bill.
- (2) All Assets or liabilities belonging to the Medical Centre shall be deemed to belong to the Medical Centre established under this Bill (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 26 stands part of the Bill — Agreed to.

Clause 27: Interpretation.

In this Bill, unless the context otherwise requires:

"associate universities" means the universities whose medical students receive aspects of their training from the Medical Centre (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the words "associate universities" be as defined in the interpretation to this Bill — Agreed to.

"Board" means the Board of Management of the Medical Centre (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the word "Board" be as defined in the interpretation to this Bill — Agreed to.

"chairman" means the chairman of the Board (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the word "chairman" be as defined in the interpretation to this Bill — Agreed to.

"functions" include powers and duties (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the word "functions" be as defined in the interpretation to this Bill — Agreed to.

"Federal Medical Centre" means the Federal Medical Centre Mubi, Adamawa State (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the words "Federal Medical Centre" be as defined in the interpretation to this Bill — Agreed to.

"junior staff" means staff of such grade as may be determined, from time to time, by the Board (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the words "junior staff" be as defined in the interpretation to this Bill — Agreed to.

"medical student" means a student whose course of instruction is:

- (a) designed (either alone or in conjunction with other courses) to enable him to qualify as a medical practitioner; or

- (b) designed for the further training of medical practitioners (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the word "medical student" be as defined in the interpretation to this Bill — Agreed to.

"Minister" means the Minister charged with responsibility for matters relating to health; and (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the word "Minister" be as defined in the interpretation to this Bill — Agreed to.

"Ministry" shall be construed accordingly (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the word "Ministry" be as defined in the interpretation to this Bill — Agreed to.

"student" means a person enrolled at an institution controlled by the Board for the purpose of pursuing a course of instruction at the institution (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the word "student" be as defined in the interpretation to this Bill — Agreed to.

Question that Clause 27 stands part of the Bill — Agreed to.

Clause 28: Short Title.

This Bill may be cited as the Federal Medical Centre, Mubi, Adamawa State (Establishment) Bill, 2022 (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 28 stands part of the Bill — Agreed to.

SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

Proceedings of the Board

1. (1) Subject to this Bill and section 27 of the Interpretation Act, the Board may make standing orders regulating its proceedings or those of any committees.
- (2) The quorum of the Board shall be the chairman or the person presiding at the meeting and 5 other members of the Board, 2 of whom shall be *ex-officio* members, and the quorum of any Committee of the Board shall be as determined by the Board.
2. (1) The Board shall meet whenever it is summoned by the chairman and if the chairman is required to do so by notice given to him by not less than 8 other members, he shall summon a meeting of the Board to be held within 14 days from the date on which the notice is given.
- (2) At any meeting of the Board, the chairman shall preside but if he is absent, the members present at the meeting shall appoint one of their members to preside at the meeting.
- (3) Where the Board desires to obtain the advice of any person on a particular matter,

the Board may co-opt him to the Board for such period as it deems fit, but a person who is in attendance by virtue of this "Subsection" shall not be entitled to vote at any meeting of the Board and shall not count toward a quorum.

Committees

3. (1) The Board may appoint one or more committees to carry out, on behalf of the Board, such functions as the Board may determine.
- (2) A committee appointed under this paragraph shall consist of such number of persons as may be determined by the Board and a person shall hold office on the committee in accordance with the terms of his appointment.
- (3) A decision of a committee of the Board shall be of no effect until it is confirmed by the Board.
4. (1) The fixing of the seal of the Medical Centre shall be authenticated by the signatures of the Chairman, the Medical Director or any person generally or specifically authorized by the Board to act for that purpose.
- (2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Medical Centre by the Medical Director or any person generally or specifically authorized by the Board to act for that purpose.
- (3) A document purporting to be a document duly executed under the seal of the Medical Centre shall be received in evidence and shall, unless and until the contrary is proved, be presumed to be so executed.
5. The validity of any proceedings of the Board or of a committee shall not be adversely affected by:
 - (a) a vacancy in the membership of the Board or committee;
 - (b) a defect in the appointment of a member of the Board or committee; or
 - (c) reason that a person not entitled to do so took part in the proceedings of the Board or committee (*Hon. Alhassan Ado Garba — House Leader*).

Question that the provisions of the Schedule stand part of the Bill — Agreed to.

Explanatory Memorandum:

This Bill seeks to Provide for the Legal Framework to establish the Federal Medical Centre, Mubi, Adamawa (*Hon. Alhassan Ado Garba — House Leader*).

Agreed to.

Long Title:

A Bill for an Act to Establish the Federal Medical Centre, Mubi, Adamawa State; and for Related Matters (HB. 679) (*Hon. Alhassan Ado Garba — House Leader*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report on a Bill for an Act to Establish Federal Medical Centre, Mubi, Adamawa State; and for other Related Matters (HB. 679) and approved Clauses 1- 28, the Schedule, the Explanatory Memorandum, and the Long Title of the Bill.

Question that the House do adopt the Report of the Committee of the Whole — Agreed to.

(ii) **A Bill for an Act to Establish the National Agricultural Development Fund to Provide Funds for Agricultural Development; and for Related Matters (HB.1319) (Committee of the Whole):**

Motion made and Question proposed, "That the House do consider the Report on a Bill for an Act to Establish the National Agricultural Development Fund to Provide Funds for Agricultural Development; and for Related Matters (HB.1319)" (Hon. Peter Akpatason — Deputy House Leader).

Agreed to.

Question that the House do resolve into the Committee of the Whole to consider the Report — Agreed to.

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO ESTABLISH THE NATIONAL AGRICULTURAL DEVELOPMENT FUND FOR THE PURPOSE OF PROVIDING FUNDING FOR AGRICULTURAL DEVELOPMENT IN NIGERIA; AND FOR RELATED MATTERS (HB. 1319)

PART I — ESTABLISHMENT OF THE NATIONAL AGRICULTURAL DEVELOPMENT FUND AND THE GOVERNING BOARD

Clause 1:

Establishment of the National Agricultural Development Fund.

- (1) There is established the National Agricultural Development Fund (in this Bill referred to as "the Fund").
- (2) The Fund shall be a body corporate with perpetual succession and a common seal and may —
 - (a) sue and be sued in its corporate name; and
 - (b) hold and dispose its property whether movable or immovable (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 1 stands part of the Bill — Agreed to.

Clause 2:

Sources of the Fund.

- (1) The Fund shall consist of —
 - (a) an amount constituting —
 - (i) 0.5% of the Natural Resource Development Fund,

- (ii) 5% of the duty levied on imported rice, wheat, sugar, milk, poultry and fish;
 - (b) any take-off grant and special intervention fund as may be provided by the Federal, State and Local Government of the Federation;
 - (c) such money as may be appropriated to meet the objective of this Bill by the National Assembly in the budget;
 - (d) aids, grants and assistance from international, bilateral and multilateral agencies, non-governmental organisations and the private sector;
 - (e) grants, donations, endowments, bequests and gifts, whether of money, land or any other property from any source; and
 - (f) money derived from investment made by the Fund.
- (2) Subsection (1) (d) and (e) are to be acceptable to the Fund except where the terms and conditions attached are inconsistent with the objective of the Fund and the provisions of this Bill (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 2 stands part of the Bill — Agreed to.

Clause 3: Establishment of the Governing Board.

- (1) There is established for the Fund a Governing Board (in this Bill referred to as "the Board").
- (2) The Board shall consist of —
 - (a) a Chairman;
 - (b) one representative each of —
 - (i) Federal Ministry of Finance, Budget and National Planning,
 - (ii) the Federal Inland Revenue Service,
 - (iii) all Farmers Association of Nigeria,
 - (iv) all Livestocks, Fisheries and Poultry Associations in Nigeria,
 - (v) National Food Reserve Agency,
 - (vi) Bankers Association of Nigeria,
 - (vii) the organised private sector to represent special interest,
 - (viii) the Agricultural Research Council of Nigeria,
 - (ix) the Federal Ministry of Agriculture and Rural Development, and
 - (x) the Federal Ministry of Science and Technology;

- (c) one person from each of the six geopolitical zones and should be rotational among the states in the zones at the end of each tenure; and
 - (d) the Executive Secretary.
- (3) The Chairman and members shall be appointed by the President.
 - (4) The performance of the functions or exercise of the powers of the Board shall not be affected by a vacancy in the membership of the Board.
 - (5) The appointment of a member shall not be invalidated by a defect or irregularity in or in connection with his nomination or appointment.
 - (6) Members, other than *ex-officio*, shall be part-time members.
 - (7) The supplementary provisions set out in the Schedule to this Bill shall have effect with respect to the proceedings of the Board and other matters contained in it (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 3 stands part of the Bill — Agreed to.

Clause 4: Qualifications of members.

The Chairman and members shall hold qualifications in the discipline of —

- (a) finance as it relates to agriculture, agricultural policy formulation and implementation; or
- (b) economics as it relates to agriculture, agricultural policy formulation and implementation (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 4 stands part of the Bill — Agreed to.

Clause 5: Tenure of members.

(1) A member other than *ex-officio* —

- (a) shall hold office for a term of four years and no more; and
- (b) may hold office on such terms and conditions as may be specified in his letter of appointment.

(2) A member may, be removed from office by the President for inability to discharge the functions of his office (whether arising from infirmity of mind or body) or if the President considers that it is not in the interest of the Fund or the Public for the member to continue in office (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 5 stands part of the Bill — Agreed to.

Clause 6: Cessation of membership.

(1) A member may cease to hold office if —

- (a) he is without permission of the Board absent for more than three consecutive meetings of the Board without such permission is absent from the country for a period exceeding one year;

- (b) in case of a professional who is disqualified or suspended (other than at his own request) from practicing his profession in any part of Nigeria by the order of any competent authority;
- (c) a person shall cease to be a member if he —
- (i) becomes bankrupt;
 - (ii) is guilty of serious misconduct in relation to his duties; or
 - (iii) is convicted of a felony or any offence involving dishonesty.
- (2) A member may resign his membership —
- (a) by giving notice in writing through the Minister to the President and the resignation becomes effective from the date specified in the notice; and
 - (b) if no date is specified, from the date of the receipt of the notice by the President.
- (3) Where a member ceases to hold office for any reason from the member's zone before the expiration of his term of office, the President, after consulting the Minister, may appoint another person for the unexpired term (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 6 stands part of the Bill — Agreed to.

Clause 7: Allowances of member.

Member of the Fund shall be paid such allowances as the Federal Government may direct (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 7 stands part of the Bill — Agreed to.

PART II — FUNCTIONS OF THE FUND AND POWERS OF THE BOARD

Clause 8: Functions of the Fund.

The Fund shall —

- (a) provide finance to support agricultural development in Nigeria taking into consideration the need to provide food production and food security in Nigeria, in all its ramifications including crop production, livestock, fisheries, poultry and agro-forestry;
 - (b) provide finance for the implementation of agricultural policies and strengthen agricultural institutions within the framework on national priorities and strategies;
- provide funds for on-lending to farmers and corporate bodies through financial institutions including microfinance banks, cooperative societies, organisations, farmer groups and institutions on appropriate soft terms;
- provide finance primarily for the establishment of special agricultural offices in each State of the Federation, to boost food production system in Nigeria;

- (e) provide financial support in the form of grant for research, training, market information systems and agricultural extension service in research institutes, universities and ministries;
- (f) provide emergency fund for agriculture finance and intervention for the control of trans-boundary animal disease outbreak;
- (g) participate in the effort to build rural access to financial service through microfinance by creating linkages between upstream financial centre (including private-sector groups) and local organisation's serving rural poor peoples;
- (h) assist the efforts of donor institutions to increase food and agricultural production as well as the organisation's technical competence and experience in this field; and
- (i) engage in such activities and perform such functions as this Bill may confer, or as the President may, after consultation with the Minister, permit or assign to it (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 8 stands part of the Bill — Agreed to.

Clause 9:

Powers of the Board.

The Board shall have powers to —

- (a) make regulations for the management of the Fund with the approval of the Minister;
- (b) approve the annual budget of the Fund;
- (c) approve all grants for agricultural research, training and development;
- (d) approve loan for agricultural investment subject to paragraph (b);
- (e) review and monitor the activities of the Fund;
- (f) approve payments (such as remunerations and allowances) to persons employed by the Fund;
- (g) give report on all activities of the Fund on quarterly basis through the Minister to the President;
- (h) specify the manner in which assets of the Fund are to be held and regulate payment into and out of the Fund;
- (i) specify the manner for the timely disbursement and recovery of loans;
- (j) require the keeping of proper accounts and records for the purposes of the Fund in such form as may be specified in the rules;
- (k) require the accounts of the Fund to be audited by the Auditor-General for the Federation;
- (l) ensure the submission of copies of the accounts and the auditor's report to the Federal Executive Council through the Minister;

- (m) monitor the execution of projects; and
- (n) carry out such other activities as may be incidental to the performance of its function under this Bill (*Hon. Athassan Ado Garba — House Leader*).

Question that Clause 9 stands part of the Bill — Agreed to.

PART III — APPOINTMENT OF THE EXECUTIVE
SECRETARY AND OTHER STAFF

Clause 10: Appointment of the Executive Secretary.

- (1) There shall be for the Fund an Executive Secretary who shall be appointed by the President.
- (2) The Executive Secretary shall possess cognate experience in any of the following disciplines —
 - (a) agricultural finance;
 - (b) economics; or
 - (c) agricultural policy formulation and implementation.
- (3) The Executive Secretary is the chief executive officer of the Fund, and shall be responsible for the administration of the Fund subject to the general directions of the Board.
- (4) The Executive Secretary shall —
 - (a) hold office for a term of five years and no more, and
 - (b) on such terms and conditions as are specified in his letter of appointment.
- (5) Notwithstanding, the provision of subsection (4), the Executive Secretary may be removed from office by the President —
 - (a) for inability to perform the functions of his office, whether arising from infirmity of mind, body or any other cause, or for misconduct; or
 - (b) if the President is satisfied that it is not in the interest of the Fund or the public for him to continue in office.
- (6) The Executive Secretary may resign his appointment by a letter to the President through the Minister.
- (7) The Board may deploy or appoint for the Fund other employees upon such terms and conditions as may be determined by the Board.
- (8) Service in the Fund shall be approved service for the purpose of the Pensions Reform Act (*Hon. Athassan Ado Garba — House Leader*).

Question that Clause 10 stands part of the Bill — Agreed to.

- Clause 11: Functions of the Executive Secretary.**
The Executive Secretary as the Secretary of the Board —
- (a) shall keep proper records of the proceedings of the Board;
 - (b) shall work closely with the implementation committee in discharging the duties and responsibilities assigned by the Board;
 - (c) is in charge of the general direction and control of all other employees of the Fund; and
 - (d) discharge such other duties as may be directed by the Board (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 11 stands part of the Bill — Agreed to.

PART IV — FINANCIAL PROVISIONS

- Clause 12: Account.**
- (1) The Fund shall establish and maintain an account (in this Bill referred to as "the Account") from which shall be defrayed all expenditure incurred by the Fund.
 - (2) There shall be paid into the Account —
 - (a) annual budgetary allocation appropriated by National Assembly for the management of the Fund;
 - (b) take-off grants and such other money as may be made available to the Trust Fund to meet the cost of administration; and
 - (c) all other money which may be made available for the running of the Fund (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 12 stands part of the Bill — Agreed to.

- Clause 13: Expenditure.**
- (1) The Board may apply the proceeds of the Account to the —
 - (a) performance of the functions of the Fund;
 - (b) cost of administration of the Fund;
 - (c) payment of the allowances, and benefits of members and for reimbursing members of any committee set up by the Board for such expenses as may be expressly authorised by the Board;
 - (d) the payment of salaries, remuneration or allowances, pensions and other benefits payable to the officers, and other employees of the Fund; and
 - (e) the development and maintenance of any property vested in or owned by the Fund.
 - (2) No payment under subsection (1) (d) shall be made to any person who is in receipt of emolument from the Federal or State Government, except as may

be expressly authorised by the Board (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 13 stands part of the Bill — Agreed to.

Clause 14: Annual accounts and estimates.

- (1) The Fund shall keep accounts in respect of each year and proper records in relation to those accounts and shall cause to be prepared in each year a statement —
 - (a) showing the income and expenditure of the Fund for the preceding year; and
 - (b) of all assets and liabilities of the Fund as at the last day of the immediate preceding year.
- (2) The Fund shall cause every statement prepared under this section to be audited within six months after the end of the year to which the statement relates by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.
- (3) The Fund shall submit to the Minister, not later than 31 August in each year, an estimate of its expenditure and income during the next succeeding year (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 14 stands part of the Bill — Agreed to.

Clause 15: Annual report, audited accounts and auditor's report.

- (1) The Fund shall prepare and submit to the Minister not later than six months after the end of the year a report, in such form as the Minister may direct, on the activities of the Fund during the immediate preceding year and shall include in the report a copy of the audited accounts of the Fund for that year and auditor's report.
- (2) The Minister shall submit a copy of each report made to him under this section to the Federal Executive Council (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 15 stands part of the Bill — Agreed to.

Clause 16: Power to accept gift.

- (1) The Fund may accept any gift of land, money or other property on the terms and conditions, if any, as may be specified by the person or organisation making the gift.
- (2) The Fund shall not accept any gift if the conditions attached by the person or organisation offering the gift are inconsistent with the functions and objectives of the Fund (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 16 stands part of the Bill — Agreed to.

Clause 17: Power to borrow.

- (1) The Fund may borrow by way of overdraft or otherwise such sums as it may require for the performance of its functions under this Bill.
- (2) The Fund shall not, without the approval of the Minister, borrow money

which exceeds at any time, the amount set by the Government as the limit of the authority of the Fund.

- (3) Where the sum to be borrowed is in foreign currency, the Fund shall seek and obtain the approval of the Minister through the Board (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 17 stands part of the Bill — Agreed to.

PART V — LEGAL PROCEEDINGS

Clause 18: Limitation against suit.

- (1) No suit shall be instituted in any court against the Fund or its employee unless it is commenced —
- (a) within three months next after the act, neglect or default complained of; and
 - (b) in the case of continuation of damage or injury, within three months next after the ceasing thereof.
- (2) No suit shall be commenced against the Fund before the expiration of a period of one month after written notice of the intention to commence the suit has been served on the Fund by the intending plaintiff or his agent and the notice shall clearly state the —
- (a) cause of action;
 - (b) particulars of claim;
 - (c) name and place of abode of the intending plaintiff; and
 - (d) relief which he claims (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 18 stands part of the Bill — Agreed to.

Clause 19: Service of documents.

A notice referred to in section 18 (2) of this Bill, summons or other documents required or authorised to be served on the Fund under this Bill or any other law or enactment may be served by —

- (a) delivering it to the office of the Executive Secretary; or
- (b) sending it by registered post addressed to the Executive Secretary or the principal office of the Fund (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 19 stands part of the Bill — Agreed to.

Clause 20: Restriction on execution.

- (1) In any action or suit against the Fund, no execution or attachment of process in any nature shall be issued against the Fund unless at least three months' notice of the intention to execute or attach has been given to the Fund.
- (2) Any sum of money from the judgment of court awarded against the Fund or any direction given by the court where no notice of appeal against the

judgment has been given, shall be paid from the account of the Fund (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 20 stands part of the Bill — Agreed to.

Clause 21: Indemnity.

A member, the Executive Secretary or any employee of the Fund shall be indemnified out of the asset of the Fund against any liability incurred by him in defending any proceeding, whether civil or criminal, if the proceeding is brought against him in his capacity as a member, Executive Secretary or employee of the Fund (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 21 stands part of the Bill — Agreed to.

Clause 22: Directives.

Subject to the provisions of this Bill, the President may give to the Fund directives of a general nature or relating generally to matters of policy with regard to the performance by the Fund of its functions and the Fund shall comply (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 22 stands part of the Bill — Agreed to.

Clause 23: Directions by the Minister.

Subject to the provision of this Bill, the Minister may issue to the Board directions of general nature relating to matters of policy with regard to the exercise by the Board of its powers and the Board shall comply with such directions (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 23 stands part of the Bill — Agreed to.

Clause 24: Power to make regulations.

The Minister may make regulations generally for the purpose of giving full effect to this Bill (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 24 stands part of the Bill — Agreed to.

Clause 25: Affixing of seal.

The affixing of the seal of the Fund shall be authenticated by the signature of the Executive Secretary and the Secretary (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 25 stands part of the Bill — Agreed to.

Clause 26: Interpretation.

In this Bill —

"Board" means the Governing Board of the Fund established under section 2 of this Bill (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the word "Board" be as defined in the interpretation to this Bill — Agreed to.

"Chairman" means the Chairman of the Board (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the word "Chairman" be as defined in the interpretation to this Bill — Agreed to.

"Executive Secretary" is the Chief Executive Officer of the Fund and Chairman of the management committee (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the words "Executive Secretary" be as defined in the interpretation to this Bill — Agreed to.

"functions" includes powers and duties (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the word "functions" be as defined in the interpretation to this Bill — Agreed to.

"Fund" means the Fund established under section 1 (1) (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the word "Fund" be as defined in the interpretation to this Bill — Agreed to.

"member" means an individual representing an organisation or institution in (the Board and includes the Chairman and Executive Secretary); and (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the word "member" be as defined in the interpretation to this Bill — Agreed to.

"Minister" means the Minister charged with responsibility for matters relating to agriculture (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the word "Minister" be as defined in the interpretation to this Bill — Agreed to.

Question that Clause 26 stands part of the Bill — Agreed to.

Clause 27:

Citation.

This Bill may be cited as the National Agricultural Development Fund (Establishment) Bill, 2022 (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 27 stands part of the Bill — Agreed to.

SCHEDULE

Section 3 (7)

SUPPLEMENTARY PROVISIONS RELATING TO THE PROCEEDINGS OF THE BOARD

1. (1) Before member is appointed by the President, the Minister shall satisfy himself that, the person will have no interest or owe allegiance that may likely be prejudicial to the performance of his functions as a member.
- (2) Any person whom the Minister nominates as a member shall discharge his duties as specified under this Bill.
2. (1) Subject to this Bill and 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 persons presiding to have a second or casting vote, the Board may make standing orders regulating its proceedings or of any committee.

- (2) The quorum at a meeting shall be one third of the members of the meeting.
3. The Board shall meet, at least three times in each year, whenever it is summoned by the Chairman and if the Chairman is required to do so, by notice to him of at least seven members, he shall summon a meeting of the Board to be held within seven days from the date on which the notice is given.
4. Where the Board wishes to obtain the advice of any person on any particular matter, the Board may invite any person as it deems fit, but the person who is invited by virtue of this paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.
5. (1) The Board may appoint one or more committees to carry out, on behalf of the Board, such of its functions as the Board may determine.
- (2) Every committee appointed under this paragraph shall consist of such number of persons as may be determined by the Board and not more than one third of those persons may be persons who are not members of the Board.
- (3) A decision of a committee of the Board shall be of no effect until it is ratified by the Board.
6. (1) Where a member has an interest in any application for loan for any project made or proposed by any beneficiary, such member shall disclose his interest at a meeting of the Board.
- (2) The disclosure under this paragraph shall be recorded in the minute of the meeting and the member shall not take part after such disclosure in any deliberation or decision of the Board with regard to that particular subject matter in respect of which his interest was disclosed (*Hon. Alhassan Ado Garba — House Leader*).

Question that the provisions of the Schedule stand part of the Bill — Agreed to.

Explanatory Memorandum:

This Bill establishes the National Agricultural Development Fund for the purpose of providing funding for agricultural development (*Hon. Alhassan Ado Garba — House Leader*).

Agreed to.

Long Title:

A Bill for an Act to Establish the National Agricultural Development Fund for the Purpose of Providing Funding for Agricultural Development in Nigeria; and for Related Matters. (HB. 1319) (*Hon. Alhassan Ado Garba — House Leader*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report on a Bill for an Act to Establish the National Agricultural Development Fund to Provide Funds for Agricultural Development; and for Related Matters (HB.1319) and approved Clauses 1-27, the Schedule, the Explanatory Memorandum, and the Long Title of the Bill.

Question that the House do adopt the Report of the Committee of the Whole — Agreed to.

- (iii) ***A Bill for an Act to Establish Chartered Risk Management Institute of Nigeria to serve as a Professional Body for Practitioners and Determine the Standards of Knowledge and Skills to be Attained by Persons Seeking to become Members of the Chartered Risk Managers Institute of Nigeria; and for Related Matters (HB.2037) (Committee of the Whole):***
Motion made and Question proposed, "That the House do consider the Report on a Bill for an Act to Establish Chartered Risk Management Institute of Nigeria to serve as a Professional Body for Practitioners and Determine the Standards of Knowledge and Skills to be Attained by Persons Seeking to become Members of the Chartered Risk Managers Institute of Nigeria; and for Related Matters (HB.2037)" (Hon. Peter Akpatason — Deputy House Leader).

Agreed to.

Question that the House do resolve into the Committee of the Whole to consider the Report — Agreed to.

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO ESTABLISH THE CHARTERED RISK
 MANAGEMENT INSTITUTE OF NIGERIA TO SERVE AS A PROFESSIONAL
 BODY FOR PRACTITIONERS AND DETERMINE THE STANDARD OF
 KNOWLEDGE AND SKILLS TO BE ATTAINED BY PERSONS SEEKING TO
 BECOME MEMBERS OF THE CHARTERED RISK MANAGERS
 INSTITUTE OF NIGERIA (HB.2037)

PART I — ESTABLISHMENT, FUNCTIONS AND MEMBERSHIP
 OF THE CHARTERED RISK MANAGEMENT INSTITUTE OF NIGERIA

Clause 1: Establishment of the Chartered Risk Management Institute of Nigeria.

- (1) There is established the Chartered Risk Management Institute of Nigeria (in this Bill referred to as "the Institute").
- (2) The Institute —
- (a) is 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 and dispose of any movable or immovable property *(Hon. Alhassan Ado Garba — House Leader).*

Question that Clause 1 stands part of the Bill — Agreed to.

Clause 2: Functions of the Institute.
 The Institute shall —

- (a) determine the standards of knowledge and skills to be attained by persons seeking to be members of the Institute and raise those standards as circumstances may require;
- (b) conduct professional examinations leading to the awards of certificates as may be prescribed by the Institute;
- (c) establish and maintain a register of members and publish the lists of members; and
- (d) perform other functions conferred on it under this Bill (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 2 stands part of the Bill — Agreed to.

Clause 3: Admission and Categorization of Membership of the Institute.

- (1) Subject to the provisions of this Bill, persons admitted to membership of the Institute shall be enrolled in two categories —
 - (a) individual members, consisting of —
 - (i) Students;
 - (ii) Associates;
 - (iii) Senior Associates;
 - (iv) Registered Risk Managers;
 - (v) Honourary Members;
 - (vi) Chartered Risk Managers; and
 - (vii) Fellow, Chartered Risk Managers; and
 - (b) Institutional members;
- (2) A person admitted to membership of the Institute may be registered as such other than in category (a) and (b) of Subsection (1) of this Section as the Council may determine from time to time (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 3 stands part of the Bill — Agreed to.

Clause 4: Qualification for membership.

A person shall be qualified to be enrolled as member and entitled to use the appellation as —

- (a) a member of the Institute if he satisfies the Council that he —
 - (i) is a person of impeccable character with a minimum of five (5) years cognate experience;
 - (ii) holds a minimum of First Degree in relevant fields of Social Sciences and Humanities from recognized institutions;

PART III — STAFF OF THE CENTRE

Clause 9: Director General.

- 1) There shall be for the Centre a Director-General who shall be:
 - (a) appointed by the President on the recommendation of the Minister;
 - (b) the Chief Executive and accounting officer of the Centre; and
 - (c) responsible to the Board for the policy direction and day-to-day administration of the Centre.
- 2) The Director General shall hold office:
 - (a) for a term of 4 years in the first instance and may be re-appointed for another term of 4 years and no more, and
 - (b) on such term and conditions as may be contained in his letter of appointment

Committee's Recommendation:

Leave out Clause 9 (Hon. Tanko Sununu Yusuf — Ngaski/Shanga/Yauri Federal Constituency).

Agreed to.

Clause 10: Other staff of the Centre.

- (1) The Board shall appoint for the Centre, such other number of staff as it may deem necessary and expedient from time to time for the proper and efficient performance of the functions of the Centre.
- (2) The term and conditions of the service (including remuneration, allowances, benefits and pensions) of officers and employees of the Centre shall be determined by the Board.
- (3) The Board shall have power to appoint either on transfer or on secondment from any public service of the federation, such number of employees as may, in the opinion of the Board, be required to assist the Centre in the discharge of any of its function under this Bill, and shall have power to pay such persons so employed such remuneration (including allowance) as may be determined by the Board

Committee's Recommendation:

Leave out Clause 10 (Hon. Tanko Sununu Yusuf — Ngaski/Shanga/Yauri Federal Constituency).

Agreed to.

Clause 11: Staff Regulations.

- (1) The Board may, subject to the provision of this Bill, make staff regulations relating to the conditions of service of the employee of the Centre and without prejudice to the generality of the foregoing, such recommendation may be provided for:
 - (a) the appointment, promotion and disciplinary control (including dismissal) of the employees of the Centre;

- (b) appeals by such officers and employees against dismissal or other disciplinary measures.
- (2) Any instrument relating to the conditions of service of the officers in the Civil Service of the Federation shall be applicable.
- (3) Staff Regulations made under subsection (1) of this section shall not have effect until approved by the Minister, and when so approved they need not be published in the Federal Gazette but the Centre shall bring them to the notice of all affected persons in such manner as it may, from time to time, determined

Committee's Recommendation:

Leave out Clause 11 (Hon. Tanko Sununu Yusuf — Ngaski/Shanga/Yauri Federal Constituency).

Agreed to.

Clause 12: Pension.

Service in the centre shall be subject to the provisions to Pension Reform Act and accordingly, officers and employees of the Centre shall be entitled to pensions and other retirement benefits as prescribed under the Pension Reform Act (Pension, Cap. 346, LFN).

Committee's Recommendation:

Leave out Clause 12 (Hon. Tanko Sununu Yusuf — Ngaski/Shanga/Yauri Federal Constituency).

Agreed to.

PART IV — FINANCIAL PROVISIONS

Clause 13: Fund for Centre.

- (1) The Centre shall establish and maintain a fund from which shall be defrayed all expenditures incurred by the Centre.
- (2) There shall be paid credited to the fund established pursuant to subsection (1) of this section:
- (a) the take-off grant from the Federal Government;
 - (b) such moneys as may, from time to time, be granted to the Centre by the Federal Government and the World Health Organization;
 - (c) annual subvention from the Federal Government;
 - (d) such counter-part funding as may be provided, from time to time, by the Federal, State or Local Government;
 - (e) loans and grants-in-aid from national, bilateral and multilateral agencies;
 - (f) rents, fees and other internally generated revenues from services provided by the center, and
 - (g) all sums of money accruing to the Centre by way of grant, gifts, testamentary dispositions and endowment and contributions from any sources whatsoever

- (3) The fund shall be managed in accordance with the rules made by the Board and without prejudice of the power to make rules under this subsection, the rule shall in particular contains provisions:
- (a) specifying the manner in which the assets or the fund of the Centre are to be held and regulating the making of payments into and out of the fund;
 - (b) requiring keeping of proper accounts and records for the purpose of fund in such form as been specified in the rules;
 - (c) securing that the account are audited periodically by auditor appointed from a list of Auditors approved by the Auditor General of the Federation, and
 - (d) requiring copies of the account and of the Auditors report on them to be furnished to the Federal Ministry of Finance and the Federal Ministry of Health.

Committee's Recommendation:

Leave out Clause 13 (Hon. Tanko Sununu Yusuf — Ngaski/Shanga/Yauri Federal Constituency).

Agreed to.

Clause 14: Proceeds of funds.

The Centre shall, from time to time, apply the proceeds of the funds established pursuant to Section 13 of this Bill to;

- (a) the cost of administration of the Centre;
- (b) the payment of the emoluments, allowances and benefits of members of the Board and for reimbursing members of the Board or any committees set up by the Board for such expenses as may be expressly authorize by the Board;
- (c) the payment of salaries, fees or other remuneration or allowances, gratuities and pensions, and benefits payable to the members of the Board and other employees of the center as the case may be;
- (d) the payment for all consultancies, contracts, including mobilization, variations, legal fees and cost of contract administrations;
- (e) the payment for all purchase;
- (f) undertaking such other activities as connected with all or any of the functions of the center under this Bill.

Committee's Recommendation:

Leave out Clause 14 (Hon. Tanko Sununu Yusuf — Ngaski/Shanga/Yauri Federal Constituency).

Agreed to.

Clause 15: Power to accept gift.

- (1) The Centre may accept gifts of land, money or other property on such terms and conditions as may be specified by the person or organization making the grant.

- (2) The Centre shall not accept any gift if the conditions attached by the person or organization making the gift are inconsistent with the objectives or functions of the center under this Act.

Committee's Recommendation:

Leave out Clause 15 (Hon. Tanko Sununu Yusuf — Ngaski/Shanga/Yauri Federal Constituency).

Agreed to.

Clause 16: Annual Estimates.

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

Committee's Recommendation:

Leave out Clause 16 (Hon. Tanko Sununu Yusuf — Ngaski/Shanga/Yauri Federal Constituency).

Agreed to.

Clause 17: Annual Reports.

The centre shall prepare and submit through the Minister annual reports to the President, not later than 30th June in each year, a report in such forms as the President may direct on the activities of the centre during the immediately preceding year, and shall include in such report of the audited accounts of the centre for that year and the auditor's report thereon.

Committee's Recommendation:

Leave out Clause 17 (Hon. Tanko Sununu Yusuf — Ngaski/Shanga/Yauri Federal Constituency).

Agreed to.

Committee's Recommendation:

Clause 18: Penalties for Default.

- (1) Any health Institution, government or private that fails to install disinfection centre after the commencement of this Bill shall pay a fine of Five Hundred Thousand Naira from the day of default until the date of compliance
- (2) In the event that a patient or any visitor contracts a disease or infection, within the premises of a health institution, government or private due to negligence in handling the disinfection processes, such a health institution shall pay to the victim a compensation of at least One Million Naira in addition to payment of the medical expenses for the treatment of the said disease or infection (*Hon. Tanko Sununu Yusuf — Ngaski/Shanga/Yauri Federal Constituency*).

Question that Clause 18 stands part of the Bill — Agreed to.

PART V — LEGAL PROCEEDINGS

Clause 19: Limitation of Suits against the member.

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

Committee's Recommendation:

Leave out Clause 19 (Hon. Tanko Sununu Yusuf — Ngaski/Shanga/Yauri Federal Constituency).

Agreed to.

Clause 20: Service of Documents.

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

Committee's Recommendation:

Leave out Clause 20 (Hon. Tanko Sununu Yusuf — Ngaski/Shanga/Yauri Federal Constituency).

Agreed to.

- Clause 21: Restriction on execution against the property of the Centre.**
- (1) Any action or suit against the Centre, no execution or attachment of process in the nature thereof shall be issued against the center unless not less than three months notice of the intention to execute or attach has been given to the centre.
 - (2) Any sum of money which by the judgment of any court has been awarded against the centre shall, subject to any direction given by the court where no notice of appeal against the judgment has been given, be paid from the fund of the center.

Committee's Recommendation:

Leave out Clause 21 (Hon. Tanko Sununu Yusuf — Ngaski/Shanga/Yauri Federal Constituency).

Agreed to.

- Clause 22: Indemnity.**
- A member of the Board, the Director-General or any officer or employee of the Center shall be indemnified out of the assets of the Centre against any liability incurring by him in defending any proceeding, whether civil or criminal, if the proceeding is brought against him in capacity as a member Director General, Officer or other employee of the Centre.

Committee's Recommendation:

Leave out Clause 22 (Hon. Tanko Sununu Yusuf — Ngaski/Shanga/Yauri Federal Constituency).

Agreed to.

PART VI — MISCELLANEOUS

Committee's Recommendation:

- Clause 23: Directives by the Minister.**

The Minister may give to the hospital such directives where such centre is situated of a general nature or relating generally to matters of policy with regards to the exercise of its functions as he may consider necessary and it shall be the duty of the hospital to direct the centre to comply with the directives or cause them to be complied with (Hon. Tanko Sununu Yusuf — Ngaski/Shanga/Yauri Federal Constituency).

Question that Clause 23 stands part of the Bill — Agreed to.

Committee's Recommendation:

- Clause 24: Power to make Regulations.**

The Minister may, on the recommendation of the hospital board, make regulations generally for giving full effect to the provisions of this Act (Hon. Tanko Sununu Yusuf — Ngaski/Shanga/Yauri Federal Constituency).

Question that Clause 24 stands part of the Bill — Agreed to.

Committee's Recommendation:

- Clause 25: Interpretation.**

In this Act:

"Center" means the Hospital Disinfection Center established under section 1 of the Act;

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

Question that Clause 25 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 26: Short Title.

This Bill may be cited as the Nigerian Disinfection Centres (Establishment) Bill, 2022 (Hon. Tanko Sununu Yusuf — Ngaski/Shanga/Yauri Federal Constituency).

Question that Clause 26 stands part of the Bill — Agreed to.

SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

Proceedings of the Board

1. Subject to this act and section 27 of the interpretation Act (which provides for decisions of the statutory body to be taken by a majority of its members and for the person presiding at any meeting. When a vote is ordered, to have a second or casting vote), the board may make standing orders regulating its proceedings or that of any of its committees.
2. At every meeting of the Board, the Chairman shall preside and in his absence the members present at the meeting shall appoint one of their members to preside at the meeting.
3. The quorum at a meeting 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 three or four other members.
4. The Board shall for the purpose of this Act, meet not less than two times in each year and subject thereto, the Board shall meet whenever it is summoned by the Chairman, and if required to do so, by notice given to him by not less than three-four other members, he shall summon a meeting of the Board to be held within 28 days from the date on which the notice is given.
5. Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him to the Board for such period as it deems fit. But a person who is 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 a quorum.

Committees

6. (1) Subject to its standing orders, the Board may appoint such number of standing and *Ad hoc* committees as it deems fit to consider and report on any matter with which the centre is concerned.
- (2) A committee appointed under this paragraph shall:
 - (a) consist of such number of persons (not necessarily members of the Board as may be determined by the Board), and a person, other than a member of the Board, shall hold office on the committee in accordance with the terms of his appointment; and
 - (b) be presided over by a member of the Board

- (3) The quorum of any committee set up by the Board shall be as may be determined by the Board.
- (4) A decision of a committee of the Board shall be of no effect until the Board confirms it.

Miscellaneous

7. The fixing of the seal of the Centre shall be authenticated by the signature of the Chairman, the Director-General or any other person generally or specifically authorized by the board to act for that purpose.
8. Any contact or instrument which if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Centre by the Director-General or by any other person generally or specifically authorized by the Board to act for the purpose.
9. Any document purporting to be a contact, instrument or other document duly signed or sealed on behalf of the Centre shall be received in evidence and shall, unless the contrary is proved, be presumed without further proof have been so signed or sealed.
10. The validity of any proceeding of the Board or of any of its committees shall not be affected by:
- any vacancy in the membership of the Board, or committee, or
 - any defect in the appointment of a member of the board or committee: or
 - reason that any person not entitled to do so took part in the proceedings of the Board or committee.
11. Any member of the Board or committee who has a personal interest in any contract or arrangement entered into or proposed to be considered by the board or committee shall:
- disclose his interest to the Board or committee; and
 - not vote on any question relating to the contract or arrangement.

Committee's Recommendation:

Leave out the Schedule (Hon. Tanko Sununu Yusuf — Ngaski/Shanga/Yauri Federal Constituency).

Agreed to.

Explanatory Memorandum:

This Bill seeks to establish Disinfection Center within each of the Thirty six (36) States and the Federal Capital Territory FCT of Nigeria with the responsibility of Cleaning, Disinfecting and Sterilization of medical devices and instruments prior to re-use with a view to prevent transmission of Latrogenic Infection also called Hospital Acquired Infection (Hon. Tanko Sununu Yusuf — Ngaski/Shanga/Yauri Federal Constituency).

Agreed to.

Long Title:

A Bill for an Act to Establish Disinfection Centre within each Federal Tertiary Institution in the Thirty-Six (36) States and the Federal Capital Territory (FCT) of Nigeria with the Responsibility of Cleaning, Disinfecting and Sterilization of Medical Devices and Instruments Prior to Re-Use with

a View to Preventing Transmission of Iatrogenic Infection also called Hospital-Acquired Infections; and For Related Matters (HB. 581) (*Hon. Tanko Sununu Yusuf — Ngaski/Shanga/Yauri Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report of the Committee on Healthcare Services on a Bill for an Act to Establish Decontamination Centre within each of the Thirty-Six (36) States and the Federal Capital Territory (FCT) of Nigeria with the Responsibility of Cleaning, Disinfecting and Sterilization of Medical Devices and Instruments Prior to re-use with a view to Preventing Transmission of Iatrogenic Infection also called Hospital Acquired Infections; and for Related Matters (HB. 581) and approved Clause 1, rejected Clauses 2 - 6, approved Clauses 7 and 8, rejected Clauses 9 - 17, approved Clause 18, rejected Clauses 19 - 22, approved Clauses 23 - 25, rejected the Schedules, approved the Explanatory Memorandum, and the Long Title of the Bill.

Question that the House do adopt the Report of the Committee of the Whole — Agreed to.

(vi) *Committee on Healthcare Services:*

Motion made and Question proposed, "That the House do consider the Report of the Committee on Healthcare Services on a Bill for an Act to Establish Public Health Practitioners Council of Nigeria charged with Responsibility of Advancing the Study, Training and Practice of Public Health Management; and Administration in Nigeria and for Related Matters (HB. 1236)" (Hon. Yusuf Tanko Sununu — Ngaski/Shanga/Yauri Federal Constituency).

Agreed to.

Question that the House do resolve into the Committee of the Whole to consider the Report — Agreed to.

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO ESTABLISH PUBLIC HEALTH PRACTITIONERS COUNCIL OF NIGERIA CHARGED WITH RESPONSIBILITY OF ADVANCING THE STUDY, TRAINING AND PRACTICE OF PUBLIC HEALTH MANAGEMENT AND ADMINISTRATION IN NIGERIA AND FOR RELATED MATTERS (HB. 1236)

PART I — ESTABLISHMENT OF THE PUBLIC HEALTH PRACTITIONERS COUNCIL OF NIGERIA

Clause 1: Establishment of the Public health practitioners Council.

- (1) There is established a Public Health Practitioners Council of Nigeria (hereinafter in this Bill referred to as ("the Council").
- (2) The Council:
 - (a) shall be a body corporate with perpetual succession;

- (b) may acquire, hold and dispose of real and personal property;
- (c) may sue or be sued in its corporate name;
- (d) shall have a common seal which shall be kept in such custody of the council.

Committee's Recommendation:

Leave out Clause 1 (Hon. Tanko Sununu Yusuf — Ngaski/Shanga/Yauri Federal Constituency).

Agreed to.

Clause 2: Function of the Council.

- (a) Determine the standard of knowledge and skills attained by person seeking to become members of the council and improve those standards from time to time;
- (b) To expose the members of the council with the recent scientific development in the Public health science by holding periodical presentations and seminars, Workshops refresher courses, orientation courses and regular exposure by Journals, publications and discussions;
- (c) To expose the members with world-class technological advancement in the field of Public health science and their operations;
- (d) Secure a register of members of the council;
- (e) To encourage research in the Public health science by exposing the members with recent research development in premier research councils;
- (f) To organize Public campaigns to spread awareness about disease and common Household health care system and encourage the NGOs to participate in such initiatives;
- (g) To publish journals and papers for the mass Awareness of several healthy hazards development in the field of paramedical science and disseminate its benefits.

Committee's Recommendation:

Leave out Clause 2 (Hon. Tanko Sununu Yusuf — Ngaski/Shanga/Yauri Federal Constituency).

Agreed to.

Clause 3: Power of the Council.

The council has power to do all things necessary and convenient to be done in connection with the performance of its functions and in particular may:

- (a) Enter into contracts;
- (b) Charge fees for its services;
- (c) Make penal regulations.
- (d) **Membership of the Council.**
Subject to the provisions of this Bill, persons admitted to membership of the council shall be registered as members in the following categories.

- (a) Associate Members;
 - (b) Full Members;
 - (c) Fellow Members.
- (ii) **Associate Member.**
- (a) A person shall be entitled to be registered as an Associate member during the period of training or mentoring in Public Health Practice;
 - (b) The training or mentoring programme must be at least a minimum of 3 years of intensive practical exposure to all areas of public health practice;
 - (c) Full membership examination to be conducted by the council. A successful associate member shall then become a full member
- (iii) **Full Members.**
- (a) A person shall be entitled to be registered as a full member after undergoing training in Public Health recognized by the council;
 - (b) The programme must be at least a year of public health courses of study taken at a stretch;
 - (c) A person who has acquired skill and expertise in public Health practice for a period not less than 3 years (exception is given to those in practice 3 years prior to this Bill)
- (iv) **Fellow Members.**
- (a) Qualified Practitioners shall apply to be considered for fellowship based on the criteria to be set by the privileges and ethics committee;
 - (b) The full professional designatory letters of the different categories of members shall be:
 - (i) Fellow Public Health FPH;
 - (ii) Member Public Health MPH;
 - (iii) Associate Public Health APH

Committee's Recommendation:

Leave out Clause 3. *Hon. Tanko Sununu Yusuf — Ngaski/Shanga/Yauri Federal Constituency).*

Agreed to.

Clause 4: Establishment of Governing Council and Management.

- (1) The shall be for the council a governing body to be known as a "Board" which shall have responsibility for the administration and general management of the council.
- (2) The council establish pursuant to subsection 1 of this section shall consist of the following members that is:
 - (a) the chairman, elected by council members among themselves;

- (b) a vice chairman elected by council members among themselves;
 - (c) two person nominated by the Minister of Health;
 - (d) six person elected by the council;
 - (e) Registrar;
 - (f) an Immediate past chairman of the council who entitled to serve for a further maximum period of three years from the expiration of his tenure as chairman.
- (3) The chairman and Vice shall hold office for a term of two (2) from the date of his elections.
- (4) The chairman shall preside at meetings of the council and in his absence, the vice chairman shall preside

Schedule.

- (5) The provisions set out in the schedule on this Bill shall have effect with respect to operation, qualification, tenure of office of members of the council and other matters therein mentioned.

Committee's Recommendation:

Leave out Clause 4 (Hon. Tanko Sununu Yusuf — Ngaski/Shanga/Yauri Federal Constituency).

Agreed to.

PART 2 — APPOINTMENT AND DUTIES OF THE REGISTRAR

Committee's Recommendation:

Leave out Clause 1 (Hon. Tanko Sununu Yusuf — Ngaski/Shanga/Yauri Federal Constituency).

Agreed to.

Clause 5: Appointment of Registrar.

- (1) The council shall appoint a fit and proper person to the Registrar of the council.
- (2) The registrar appointed in terms of subsection (1) of this section shall be head of the administration of the council and secretary to the Board.
- (3) Subject to the following provisions of this subsection, the council may make rules with respect to the form and keeping of the Register and making of entries and therein particular:
- (a) The making of applications for enrolment or registration, as the case may be;
 - (b) Providing for notification to the Registrar by the person to whom any registered particulars related of any change in those particulars;
 - (c) Authorizing a registered person to have any qualification, which is in relation to the relevant discipline of the profession, administration, either an approved qualification or an accepted qualification for the purpose of this Bill.

- (d) Specifying from time to time the fee including subscription to be paid to the Council in respect of the entry of names on the Register authorizing the Registrar to refuse to enter a name on the Register until the fee specified for the entry has been paid; and
- (e) Specifying anything failing to be specified under this section, but rules made for the purses of paragraph (d) of this subsection shall not come into force until they are confirmed at a special meeting of the council as the case may be.
- (4) The Register shall:
- (a) Correct, in accordance with the Board's directives, any entry in the Register which the council direct him to correct as being in the Board's opinion an entry which was incorrectly made;
- (b) Remove from the Register the name of any Registers person who has dies;
- (c) Record the names of the members of the Council who are in default in the payment of annual subscriptions, dues or other charges for more than twelve months, and take such action in relation thereto (including removal or the names of the defaulters from the Register) as the Board meeting determine or direct; and
- (d) Make from time to time any necessary alterations in the registered particulars of registered persons"
- (5) If the Registrar:
- (a) Sends by post to any registered person a letter addressed to him at his address on the Registered enquiring whether the registered particular relating to him are correct and receives no reply to the letter within the period of six month from the date of posting; and
- (b) Upon the expiration of the period specified in paragraph (a) of the subscription send in like manner to the person in question a second similar letter and received no reply the letter within three month from the date of posting it, then the registrar, may remove the particulars relating to the person in question from the Register, and the Council may direct the Registrar to restore to the appropriate part of the Registrar an particulars removed there from under this subsection.

Committee's Recommendation:

Leave out Clause 4 (Hon. Tanko Sununu Yusuf — Ngaski/Shanga/Yauri Federal Constituency).

Agreed to.

Clause 6: Publications of register and list of corrections.

(1) The Registrar shall be:

- (a) Cause the Register to the printed, published and put on sale to members of the public not later than two years from the commencement of this Bill;

Committee's Recommendation:

Leave out Clause 10 (*Hon. Tanko Sununu Yusuf — Ngaski/Shanga/Yauri Federal Constituency*).

Agreed to.**Clause 11: Auditing of Accounts.**

- (1) The Council shall keep proper records of the annual accounts of the council in each financial year.
- (2) The accounts of the Council shall be audited within six months after the end of each financial year by auditors appointed by the Council. The fees of the auditors and the expenses of audit shall be paid from the fund of the Council.
- (3) The audited annual accounts and report shall be submitted by the Council to the members of the council at the AGM.

Committee's Recommendation:

Leave out Clause 11 (*Hon. Tanko Sununu Yusuf — Ngaski/Shanga/Yauri Federal Constituency*).

Agreed to.**Clause 12: Offences.**

A person commits an offence and is liable on conviction to a fine not exceeding ₦500,000.00 or imprisonment not exceeding 3 years who —

- (a) fails, without reasonable excuse, to comply with the requirements of section 7 or section 8 (2); or
- (b) knowingly supplies information that is false or misleading in purported compliance with section 7 or section 8(2).

Committee's Recommendation:

Leave out Clause 12 (*Hon. Tanko Sununu Yusuf — Ngaski/Shanga/Yauri Federal Constituency*).

Agreed to.**Clause 13: Regulations.**

The Minister may from time to time, make regulations for all or any of the following purposes:

- (a) prescribing the form and manner in which reports are to be made to the Director General under section 7;
- (b) prescribing the time within which reports are to be made to the Director General under section 7;
- (c) declaring any type of cancer to be a cancer to which this Bill does not apply;
- (d) providing for such other matters as are contemplated by or necessary for giving full effect to this Bill and for its due administration.

Committee's Recommendation:

Leave out Clause 13 (*Hon. Tanko Sununu Yusuf — Ngaski/Shanga/Yauri Federal Constituency*).

Question that Clause 51 stands part of the Bill — Agreed to.

Clause 52: Actions for circumvention of technological protection measures and rights management information.

- (1) A person whose right is violated under sections 50 or 51 of this Bill may institute an action before a court of competent jurisdiction to seek redress for damages, accounts or injunction as are available to a Plaintiff in any similar proceedings in respect of infringement of other proprietary rights.
- (2) A court before which an action is brought under this section, may order that any device or product that is in the custody or control of the alleged violator, which the court has reasonable cause to believe was involved in the violation be impounded on such terms as it deems necessary.
- (3) Any person who, in the course of business, makes or imports into Nigeria a technology or device for the circumvention of a technological protection measure, knowing that it is likely to be so used, is guilty of an offence and liable on conviction to a fine of not less than ₦1,000,000.00 or to imprisonment for a term of not less than 5 years or to both
- (4) Any person who, in the course of business, sells, distributes, lets for hire, offers or exposes for sale or hire, a technology or device for the circumvention of a technological protection measure, knowing that it is likely to be so used is guilty of an offence and is liable on conviction to a fine of not less than ₦500,000.00 or to imprisonment for a term of not less than 3 years or to both.
- (5) Any person who, in the course of business, provides a service to another knowing that the service is to enable or assist that other person to circumvent a technological protection measure is guilty of an offence and liable on conviction to a fine of not less than ₦200,000.00 or to imprisonment for a term of not less than 1 year or to both.
- (6) A person who, with the intention of infringing copyright in the work concerned —
 - (a) removes, erases or alters any rights management information which is attached to or incorporated in or appears with a work; or
 - (b) sells or lets for hire or offers or exposes for sale or hire any work from which rights management information has been removed, erased or altered, shall be guilty of an offence and liable to a fine not exceeding five thousand dollars or imprisonment for a period not exceeding six months or to both such fine and such imprisonment.
- (7) It shall be a defence, in a prosecution for an offence under subsection (6), for the accused person to prove that the removal, erasure or alteration of the rights management information concerned was reasonably incidental to any use of or dealing with the work concerned which did not amount to an infringement of any copyright in the work (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 52 stands part of the Bill — Agreed to.

Clause 53: Restriction on importation.

- (1) The owner of copyright in a work may give notice in writing to the

Director-General, requesting the Commission to notify the Nigeria Customs Service, during the period specified in the notice, to treat as prohibited goods any work in respect of which the right has been infringed.

- (2) The Director-General shall, upon receipt of a notice under subsection (1) of this section or upon reasonable suspicion that an infringing copyright work is being imported, notify the Comptroller-General of Customs or any other officer in charge of the relevant border, furnishing him with information that may be relevant for the purpose of identifying and intercepting the infringing work which is the subject matter of the notice or suspicion.
- (3) On receipt of the notice from the Director-General under this section, the Comptroller-General of Customs or such other officer, shall intercept and impound the infringing works and shall permit the Director-General or any person acting on his behalf to inspect the impounded works and take custody of same pending the commencement of any proceedings in accordance with the provisions of this Bill:

Provided the inspection shall not be invalidated by the absence of the importer.
- (4) Any work or material impounded under this section shall not be kept for a period exceeding ten working days, which may be extended by another ten working days, within which the right owner or the Commission shall decide whether to initiate any proceedings in accordance with the provisions of this Bill.
- (5) Where an infringing work is intercepted or impounded under this section, the Comptroller-General or any other officer in charge of the relevant border shall notify the importer and the right holder or their authorised representatives, stating the reasons for the action taken.
- (6) The period specified in the notice under subsection (1) shall not exceed five years nor extend beyond the end of the period for which the copyright subsists.
- (7) Where a notice has been given under subsection (1) of this section, the importation into Nigeria or exportation from Nigeria during the period specified in the notice, except for private and domestic use, of any works to which the notice relates shall be prohibited.
- (8) The Director-General or any person acting on his behalf may enter any vehicle, aircraft, ship, vessel, dock, or premises to examine the works which is the subject of the notice under subsection (1) of this section and take further action in accordance with the provisions of this Bill.
- (9) Any person giving notice under subsection (1) of this section shall be required to undertake to any person, agency or official likely to suffer any damage or loss that may result from any action taken in respect of the notice, where it is found that the notice ought not to have been given.
- (10) Without prejudice to subsections (1) and (2) of this section, the Comptroller-General of Customs, or any other officer in charge of a border may, in respect of any imported goods, which he reasonably believes to be infringing copyright, suspend the release of such goods and promptly notify the importer and the right owner of the work.

- (11) This section shall apply to works made within or outside Nigeria, which if made or manufactured in Nigeria, would be an infringement under this Bill.
- (12) The Commission may prescribe the forms, fees and any other requirements for giving notice under this section (*Hon. Alhassan Ado Garba -- House Leader*).

Question that Clause 53 stands part of the Bill — Agreed to.

PART VII — PROVISIONS RELATING TO ONLINE CONTENT

Clause 54 Notice to take down.

- (1) The owner of copyright in a work, in respect of which copyright has been infringed, may issue notice of the infringement to the relevant service provider requesting the service provider to take down or disable access to any infringing content or link to the content, hosted on its system or network.
- (2) A notification under subsection (1) of this section, shall be in writing and may be transmitted electronically, or by any other means, to the service provider or his designated agent and shall include the following —
 - (a) a physical or electronic signature of a person authorised to act on behalf of the owner of the right allegedly infringed;
 - (b) identification of each work claimed to have been infringed;
 - (c) identification of the infringing material or the subject of infringing activity that is to be removed or access to which is to be disabled, including information sufficient to enable the service provider to locate the material;
 - (d) information sufficient to enable the service provider to contact the complaining party, such as an electronic mail address, telephone number, or a location address at which the complaining party may be contacted;
 - (e) a declaration on oath that the complainant believes that the use of the material in the manner complained of is not authorised by the owner of copyright, his agent or the law; and
 - (f) a statement that the information in the notification is accurate and that the complainant is authorised to act on behalf of the owner of the right allegedly infringed (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 54 stands part of the Bill — Agreed to.

Clause 55 Take down of infringing content.

- (1) A service provider, upon receiving notice of infringement under section 54 of this Bill shall promptly notify the subscriber responsible for the content for which the notice relates informing him of the content of the notice, and shall expeditiously take down or disable access to the infringing content or links to such content hosted on its system or network and, thereafter, notify the owner of the copyright accordingly.

- (2) The service provider may resume access to or restore the content or link that has been removed, if he —
 - (a) receives a written counter notice from the subscriber which he has forwarded to the owner of copyright immediately on receipt; and
 - (b) did not receive, within 7 days after forwarding the counter notice, a response from the owner of copyright, indicating that no authorisation has been granted for the subscriber to make the content available.
- (3) A service provider shall take effective steps, in accordance with high industry standards, to prevent any content taken down or removed pursuant to the provisions of this Bill from being reloaded onto its system or network and if despite taking the steps, the removed content is reloaded onto its system or network, on becoming aware of such content being reloaded, shall to promptly remove or disable access to the content without further notice to the subscriber.
- (4) A person dissatisfied with a determination or action by the service provider or owner of copyright under this section may refer the matter to the Commission for determination.
- (5) A service provider shall not be liable to any person for any action taken under this section in good faith.
- (6) A service provider who fails to comply with the provisions of subsections (1) and (2) of this section, shall be liable for such failure as a breach of statutory duty and for infringement of the content which is the subject matter of the notice under section 54 to the same extent as the person responsible for placing the content on the system or network (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 55 stands part of the Bill — Agreed to.

Clause 56: Procedure for suspension of accounts of repeat infringers.

- (1) A service provider, upon receiving repeated notifications of infringements for a particular account, shall —
 - (a) promptly send a warning to the subscriber that has been identified, informing him that another notification will lead to suspension of the account and requiring the subscriber to confirm the receipt of the warning; and
 - (b) after a second notification relating to the same account, where no challenge is pending pursuant to subsection (2) of this section, shall suspend the account for a period of not less than 1 month.
- (2) A subscriber who receives a warning notice may challenge the notice on the grounds of mistake or misidentification —
 - (a) within 10 days from the date of the warning, send a signed counter-notice to the service provider, furnishing his full contact details and the factual basis of his belief that his account has been misidentified or that the use of the content was not infringing; or

(2) If the basis for the challenge under paragraph (a) of this subsection cannot be resolved within 10 days of the receipt of the counter-notice, the matter shall be referred to the Commission to determine the validity of the challenge.

(3) A service provider acting in good faith in suspending the account of a subscriber, relying on the information contained in a notification referred to in subsection (2) of this section, shall not be liable to any person for any claim based on the suspension (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 56 stands part of the Bill — Agreed to.

Clause 56: Misrepresentation.

A person who knowingly misrepresents under this section, that —

- (a) material or activity is infringing; or
- (b) material or activity was removed or disabled by mistake or misidentification,

is liable in damages for injuries suffered by the person as a result of the service provider relying on such misrepresentation (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 57 stands part of the Bill — Agreed to.

Clause 57: Information domiciled in systems or networks at direction of users.

Except as otherwise provided in this Bill, a service provider shall not be liable for monetary relief for infringement of copyright or other subject matter by reason of the storage at the direction of a user of material that resides on a system or network controlled or operated by or for the service provider, if the service provider —

- (a) does not have actual knowledge that the material or an activity using the material on the system or network is infringing or in the absence of such actual knowledge, is not aware of facts or circumstances from which infringing activity is apparent or upon obtaining such knowledge or awareness, acts expeditiously to remove, or disable access to, the material;
- (b) does not receive a financial benefit directly or indirectly attributable to the infringing activity, where the service provider has the right and ability to control such activity;
- (c) on notification of infringement as provided for in section 54 of this Bill, responds expeditiously to remove or disable access to the material that is claimed to be infringing or to be the subject of infringing activity; and
- (d) complies with the procedure for suspension of accounts of repeat infringers as provided in section 54 of this Bill (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 58 stands part of the Bill — Agreed to.

Clause 58: Information location tools.

Except as otherwise provided in this Bill, a service provider shall not be liable for monetary relief for infringement of copyright or other subject matter by reason of the provider referring or linking users to an online location containing infringing material

or infringing activity, by using information location tools, including a directory, index, reference, pointer, or hypertext link, if the service provider —

- (a) does not have actual knowledge that the material or activity is infringing; or in the absence of such actual knowledge, is not aware of facts or circumstances from which infringing activity is apparent or upon obtaining such knowledge or awareness, acts expeditiously to remove or disable access to the material;
- (b) does not receive financial benefit directly attributable to the infringing activity, where the service provider has the right and ability to control such activity; and
- (c) on notification of infringement under section 54 of this Bill, responds expeditiously to remove or disable access to, the material that is claimed to be infringing or to be the subject of infringing activity (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 59 stands part of the Bill — Agreed to.

Clause 60: Identification of infringer.

- (1) An owner of copyright or other subject matter under this Bill or his agent may apply to the court for an order to a service provider to identify an alleged infringer in accordance with this section.
- (2) The application referred to in subsection (1) of this section shall be accompanied with a —
 - (a) copy of the notification described in section 54 of this Bill; and
 - (b) sworn declaration to the effect that the purpose for which the order is sought is to obtain the identity of an alleged infringer and that such information will only be used for the purpose of protecting rights under this Bill.
- (3) The court may issue an order to the service provider to expeditiously disclose to the owner of copyright or other subject matter under this Bill or a person authorised by the owner, information sufficient to identify the alleged infringer of the material described in the notification to the extent that the information is available to the service provider (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 60 stands part of the Bill — Agreed to.

Clause 61: Blocking access to online content.

Notwithstanding the provisions of any other law, the Commission may, directly or with the assistance of any other person block or disable access to any content, link or website hosted on a system or network, which it reasonably believes to infringe copyright under this Bill (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 61 stands part of the Bill — Agreed to.

Clause 62: Application of this Part.

- (1) The limitations to liability under this Part shall apply only to —

- (a) the neutral, automatic and passive activities of a service provider; and
 - (b) service providers who —
 - (i) do not take an active role, intervene or participate in the making available of content; and
 - (ii) designate an agent or an address, on their website, to receive notices under this Part.
- (2) The provisions of this Part shall be without prejudice to the powers of the court or any administrative authority to require or direct the service provider to terminate or prevent an infringement (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 62 stands part of the Bill — Agreed to.

PART VIII — PERFORMER'S RIGHTS

Clause 63: Right of performers.

- (1) A performer shall have the exclusive right to control, in relation to his performance, the following acts —
- (a) fixation of his unfixed performance;
 - (b) reproduction of a fixation of his performance, in any manner or form, if the —
 - (i) original fixation, other than a fixation excluded by section 68 from the necessity for obtaining the consent of the performer, was itself made without his consent; or
 - (ii) reproduction is made for purposes other than those in respect of which such performer gave his consent to the making of the original fixation or of a reproduction thereof; or
 - (iii) original fixation was made in accordance with the provisions of section 68 and the reproduction is made for purposes not covered by those provisions;
 - (c) distribution to the public by sale or other transfer of ownership, of a fixation of his performance, or copies thereof, that have not been subject to a distribution authorised by the performer;
 - (d) broadcasting or communicating to the public an unfixed performance of such performer, unless the performance used in the broadcast or communication to the public is itself a broadcast performance;
 - (e) renting or lending to the public or public lending of a fixation or copies of the fixation of his performance irrespective of the ownership of the copy rented or lent; and

- (f) making available to the public of his fixed performance by wire or wireless means, in a way that members of the public may access them from a place or at a time individually chosen by them.
- (2) In this Part, "performance" includes a —
- (a) dramatic performance, which includes dance and mime;
 - (b) musical performance; and
 - (c) reading or recitation of literary act or any similar presentation which is a live performance given by one or more individuals.
- (3) In this part, "performer" includes actors, singers, musicians, dancers, and other persons, who act, sing, deliver, declaim, play in, interpret, or otherwise perform literary or artistic works or expressions of folklore irrespective of whether the work was fixed or only fixed during performance (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 63 stands part of the Bill — Agreed to.

Clause 64: Protected performance.

- (1) The rights granted to a performer under this Bill shall apply in respect of any performance if —
 - (a) on the date of the performance, at least one of the performers is a citizen of, or habitually resident in, Nigeria or
 - (b) the performance takes place or is first fixed in Nigeria or in a country which is a party to an obligation in a treaty or other international agreement to which Nigeria is party.
- (2) Where the question arises as to whether a country is a party to an obligation in a treaty or other international agreement to which Nigeria is also a party, a certification from the Commission to that effect shall be conclusive proof of that fact (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 64 stands part of the Bill — Agreed to.

Clause 65: Presumption of consent.

In the absence of express agreement to the contrary, a performer's consent to the broadcasting of his performance shall be deemed to include his consent to an authorised rebroadcasting of his performance, the fixation of his performance for broadcasting purposes and the reproduction for broadcasting purposes of such fixation (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 65 stands part of the Bill — Agreed to.

Clause 66: Moral rights of performers.

- (1) A performer shall have the right to —
 - (a) be identified as the performer in connection with any use of his performance or the fixation thereof; and
 - (b) object, and prevent any distortion, mutilation or other modification of his performance or the fixation of the performance, and any other

derogatory action in relation thereto where such action will be or is prejudicial to his honour or reputation.

- (2) The rights referred to in subsection (1) of this section, shall not be transmissible during the life of the performer, but upon his death, shall be transmissible by testamentary disposition or by operation of law.
- (3) The rights conferred by this section shall subsist for the duration of the performer's right (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 66 stands part of the Bill — Agreed to.

Clause 67: Collective performances.

Where several performers as a group take part in the same performance, it shall suffice, if the consent required under section 65 of this Bill, is given by any person in charge of the group and any payment for the use of the performance may, unless otherwise stipulated, be made to such person and, subject to any contract between them, be divided equally among all the performers (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 67 stands part of the Bill — Agreed to.

Clause 68: Exceptions to performer's rights.

- (1) Where a performer consents to the inclusion of his performance in a visual or audio-visual fixation, section 65 of this Bill shall cease to apply in respect of the performance.
- (2) The provisions of Part II of this Bill, shall apply, with necessary modifications, in respect of performances.
- (3) Notwithstanding subsection (2) of this section, a performance, a fixation of a performance or a reproduction of such a fixation may be used without the consent required under section 63 of this Bill, if it is for the purpose of —
 - (a) demonstration in good faith of radio or television receivers or recording or playback equipment to clients by a dealer in those receivers or that equipment on his premises;
 - (b) reproduction of short extracts from an object of performer's rights in reports on current events, to the extent justified by that purpose;
 - (c) research or private study of an object of performer's rights kept in publicly accessible libraries, educational establishments, museums or archives, on the premises of the said institutions;
 - (d) reproduction for the benefit of people with a disability, which is directly related to the disability and of a non-commercial nature, to the extent required by the disability; and
 - (e) making of an ephemeral recording of an object of performer's rights by broadcasting organizations by means of their own facilities and for their own broadcasts:

Provided that —

- (i) the recordings may be preserved for a period not exceeding

...thirty days and must be erased after their use for broadcasting; and

- (ii) the recordings of an exceptional documentary character may be transferred to designated archives for preservation (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 68 stands part of the Bill — Agreed to.

Clause 69: Transfer of performer's rights in audio-visual fixations.

- (1) The provisions of section 30 of this Bill shall apply to performer's rights subject to any modifications as may be necessary.
- (2) A performer who has authorised the fixation of his performance in an audio-visual work shall, in the absence of any agreement to the contrary, be deemed to have granted to the person by whom the arrangements for such fixation is made, the exclusive rights under section 63 (1) of this Bill.
- (3) Notwithstanding the provision of subsection (2) of this section, a performer shall be entitled to share in any payment received by the person who arranges for the fixation of the audiovisual work in respect of the broadcast or communication to the public of the fixed performance (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 69 stands part of the Bill — Agreed to.

Clause 70: Duration of performer's right.

The right conferred by section 63 of this Bill in relation to a performance shall subsist for a period of fifty years commencing from the end of the year when the performance was first fixed (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 70 stands part of the Bill — Agreed to.

Clause 71: Infringement of performer's right.

Performer's right is infringed by a person who, without the performer's consent or authorization —

- (a) does or causes any person to do any of the acts provided in section 63 of this Bill;
- (b) broadcasts a substantial part of the live performance by means of a recording, which the person knows or has reason to believe was made without the performer's consent;
- (c) imports for reasons other than his private or domestic use a recording of a performer's work which is an infringing recording; or
- (d) in the course of trade or business, sells or lets for hire, offers, distributes or displays for sale or hire, a recording of a performer's work which is an infringing recording (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 71 stands part of the Bill — Agreed to.

Clause 72: Action for Infringement of performer's right.

- (1) An infringement of a right protected under sections 63 and 66 of this Bill, shall be actionable as a breach of statutory duty and the person having the

right shall be entitled to damages, injunction, and account of profits or conversion.

- (2) Where a person, in the course of trade or business, has in his possession, custody or control, an unauthorised recording of a performance, the person having the performer's right or recording right in relation to the performance, shall be entitled to an order of the court that the recording be forfeited and delivered up to him (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 72 stands part of the Bill — Agreed to.

Clause 73: Criminal liability in respect of infringement of performer's right.

- (1) A person who, without the consent or authorization of the performer, does any of the acts set out in section 71 shall, unless he proves to the satisfaction of the court that he did not know that his conduct was an infringement of the performer's right, be guilty of an offence and shall be liable on conviction in the case of —
- (a) an individual, to a fine of not less than ₦100,000.00 or to imprisonment for a term of not less than 1 year or to both; and
- (b) a body corporate, to a fine of not less than ₦2,000,000.00.
- (2) A court before which an offence under this section is tried may order that the recording or any other part thereof be delivered to the person entitled to the performer's right (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 73 stands part of the Bill — Agreed to.

PART IX — EXPRESSIONS OF FOLKLORE

Clause 74: Protection of expressions of folklore.

- (1) Expressions of folklore are protected against —
- (a) reproduction;
- (b) communication to the public by performance, broadcasting, distribution by cable or other means; and
- (c) adaptations, translations and other transformations, when such expressions are made either for commercial purpose or outside their traditional or customary context.
- (2) The right conferred by subsection (1) of this section shall not include the right to control —
- (a) the doing of any of the acts by way of fair dealing for private and domestic use, subject to the condition that if, the use is public, it shall be accompanied by an acknowledgment of the title of the work and its source;
- (b) the utilisation for purposes of education;
- (c) utilisation by way of illustration in an original work of an author;

- (b) he becomes of unsound mind; or
- (c) he becomes bankrupt; or
- (d) he is convicted of a felony or any other offence involving dishonesty or corruption; or
- (e) he becomes incapable of carrying on the functions of his office either arising from an infirmity of mind or body; or
- (f) the President of the Federal Republic of Nigeria is satisfied that it is not in the interest of the Commission or in the interest of the public for the person to continue in office; or
- (g) he has been found guilty under the Code of Conduct or serious misconduct in relation to his duties; or
- (h) in the case of a person who becomes a member by virtue of the office he occupies cease to hold such office (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 81 stands part of the Bill — Agreed to.

Clause 82: Removal of the Chairman or any member of the Governing Board of the Commission.

- (1) Where it appears that the Chairman or any member of the Board, other than an *ex-officio* member, should be removed from office on the grounds of misconduct or inability to perform the functions of his office, the Board shall make recommendation through the Minister to the President for approval.
- (2) Where the President, after making such inquiries as he considers necessary and approves the recommendation made through the Minister by the Board, the Secretary to the Government of the Federation shall, in writing declare the position of such member vacant.
- (3) Notwithstanding the provision of subsection (1) of this section, the President may remove any member of the Governing Board, where he is satisfied that it is in the interest of the Commission and the public to do so (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 82 stands part of the Bill — Agreed to.

Clause 83: Appointment of the Director-General and other staff of the Commission.

- (1) There shall be for the Commission, a Director-General who shall be appointed by the President on the recommendation of the Minister.
- (2) A person to be appointed as the Director General shall be a person with proven knowledge of copyright with at least 15 years' cognate experience in copyright practice and administration.
- (3) The Director-General shall be responsible for the day-to-day administration of the Commission (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 83 stands part of the Bill — Agreed to.

Clause 84 **Removal of the Director-General, Chairman and other Members of the Governing Board.**

The Director General, Chairman or any member of the Governing Board may be removed from office by the President on grounds of misconduct or inability to perform the functions of his office or where the President is satisfied that it is in the interest of the Commission and the public to do so (*Hon. Alhassan' Ado Garba — House Leader*).

Question that Clause 84 stands part of the Bill — Agreed to.

Clause 85 **Appointment of other staff of the Commission.**

The Commission shall have power —

- (a) to appoint such other staff as it may determine;
- (b) to pay its staff such remuneration and allowances as it may, from time to time, determine;
- (c) as regards any staff in whose case it decides so to do, to pay to or in respect of such staff such pensions and gratuities as are payable to persons of equivalent grade in the public service of the Federation (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 85 stands part of the Bill — Agreed to.

Clause 86 **Copyright Officers.**

- (1) The Commission may appoint Copyright Officers as may be necessary for the effective enforcement of the provisions of this Bill.
- (2) A Copyright Officer shall, without a warrant have the power to:
 - (a) enter, inspect and examine at any reasonable time any building or premises which he reasonably suspects is being used for any activity which is an infringement of copyright under this Bill;
 - (b) arrest any person who he reasonably believes to have committed an offence under this Bill;
 - (c) make such examination and inquiry as may be necessary to ascertain whether the provisions of this Bill are complied with;
 - (d) demand the production of any record required to be kept under section 47 of this Bill and to inspect, examine or copy such record;
 - (e) demand information and access any database relating to copyright;
 - (f) require any person who, he finds in any building or premises to give such information as it is in his power to give in relation to any purpose specified in this Bill and seize, or take into custody any infringing copy, contrivance, material, equipment used or suspected to be used in committing an offence under this Bill;
 - (g) seal up premises and carry out any examination, test or analysis within or outside the premises as may be required to give effect to any of the provisions of this Bill and may capture any image where such examination, test or analysis is within the premises; and

- (h) exercise such other powers as are necessary for the effective discharge of his duties or as the Commission may delegate.
- (3) A person who —
- (a) obstructs, hinders, prevents, or assaults a Copyright Officer in the performance of any function or the exercise of any power under this section;
- (b) does anything which impedes or is intended to impede the sealing up of premises or removal of books or documents or any other article for the purpose of investigation of any contravention of the provisions of this Bill or Regulations made pursuant to this Bill;
- (c) does anything intended to prevent the procuring or giving of evidence in connection with the prosecution for any breach of the provisions of this Bill; or
- (d) prevents the arrest of any person by a Copyright Officer or rescues any person so arrested.

commits an offence and shall be liable on conviction to a fine not exceeding ₦100,000.00 or to imprisonment for a term not less than 1 year or to both.

- (4) A Copyright Officer shall have the powers, rights and privileges of a police officer as defined under the Police Act or any other relevant enactment relating to investigation and prosecution of a criminal matter (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 86 stands part of the Bill — Agreed to.

Clause 87: Registration of Works.

- (1) The Commission shall establish and maintain a Register of Works (in this Bill referred to as "the Register").
- (2) A person may apply in the prescribed manner to the Commission to register a work that is eligible for copyright under this Bill.
- (3) Pursuant to the provisions of subsection (2) of this section, the Commission may enter the particulars of the work in the Register, provided that the registration of a work does not confer copyright.
- (4) The Register shall be prima facie evidence of the work and the particulars entered in the register, and any extract from the register, certified by the Commission shall be admissible in evidence in all proceedings without further proof or production of the original of the matter certified.
- (5) The Commission shall have power to reproduce and store all or any part of a registered work electronically or in any other format.
- (6) The Commission may, with the approval of the Minister, make regulations for the purpose of this Part.
- (7) Any person who knowingly makes or causes to be made, a false entry in the Register, shall be guilty of an offence under this section and be liable on

conviction to a fine of not less than ₦100,000.00 or to imprisonment for a term of not less than 1 year or to both (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 87 stands part of the Bill — Agreed to.

Clause 88: Collective Management Organisations.

- (1) A Collective Management Organisation (in this section referred to as "a CMO") formed by rights owners may apply to the Commission for approval to operate in respect of any one or more categories of works.
- (2) The Commission may approve a CMO, if it is satisfied that —
 - (a) it is incorporated as a company limited by guarantee;
 - (b) its objects are to negotiate, grant copyright licences, collect royalties on behalf of copyright owners and distribute such royalties;
 - (c) it represents a substantial number of owners of copyright in any category of works protected by this Bill; and
 - (d) it complies with the terms and conditions prescribed by regulations made by the Commission under this Bill.
- (3) The Commission shall not approve another CMO in respect of any category of copyright works, if it is satisfied that an existing approved CMO adequately protects the interests of copyright owners in that categories of works.
- (4) It shall be unlawful for any person or group of persons, however described, to purport to perform the duties of a CMO without the approval of the Commission as required under this Bill.
- (5) Any person who contravenes the provisions of subsection (4) of this section shall be guilty of an offence and liable on conviction in the case of —
 - (a) an individual, to a fine of not less than ₦1,000,000.00 or to imprisonment for a term of not less than 5 years or to both;
 - (b) a body corporate, to a fine of not less than ₦5,000,000.00.
- (6) The Commission shall have the power to —
 - (a) suspend or revoke the approval given under subsection (2);
 - (b) review and approve tariffs as may be determined by a CMO;
 - (c) make regulations specifying the conditions necessary for the effective management of CMOs and to give effect to the purposes of this section.
- (7) For the purposes of this section —

"Collective Management Organization" means an organisation representing copyright owners, which has as its principal objectives the negotiating and

granting of licences; collecting and distributing of royalties in respect of copyright works;

"group of persons" includes a body corporate or entity;

"owners of copyright" includes owners of performer's rights;

- (8) The Commission may, where it finds it expedient, assist in the establishment of a CMO for any category of copyright works.
- (9) Notwithstanding the provisions of this Bill or any other law, a CMO may issue licences permitting the use of works of owners of copyright who are not members of the CMO, provided that —
- (a) such works are of the same category as works for which it is approved to issue licences;
 - (b) the owners of copyright in such works are not otherwise represented by any other CMO;
 - (c) there is not more than one CMO approved to operate in the particular category of works concerned;
 - (d) the owners of copyright in such works have not by written notice to the CMO, opted out of collective the management of their rights; and
 - (e) the CMO does not discriminate against such owners in terms of the tariffs for the use of their works and the payment of royalties to such owners (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 88 stands part of the Bill — Agreed to.

Clause 89: Levy on copyright material.

- (1) There shall be paid a levy on any material used or capable of being used to infringe copyright in a work.
- (2) The levy payable under subsection (1) of this section and any exemptions from such payment shall be as may be prescribed by the Minister, from time to time, by an Order and different levies may be imposed on different categories of material.
- (3) The levy payable under this section shall, subject to approved deductions, be paid into the Fund of the Commission and the Commission shall have power to disburse the funds to approved Collective Management or other representatives of right owners, in accordance with the regulations made by the Commission.
- (4) The Minister shall have power to exempt any class of materials from the repayment of any levy.
- (5) In this section, "material" includes any object, equipment, machine, contrivances or any other device, including electronic or digital systems, used or capable of being used to infringe copyright in a work (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 89 stands part of the Bill — Agreed to.

Clause 90: Dispute Resolution Panel.

- (1) The Commission may constitute a Dispute Resolution Panel (in this Bill referred to as "the Panel") to resolve any dispute arising from —
 - (a) payment of royalties;
 - (b) terms of a licence; or
 - (c) any matter in respect of which a determination by the Commission is required under this Bill.
- (2) A Panel established under subsection (1) of this section, shall comprise of three persons knowledgeable in copyright matters, one of whom shall be designated as the chairman.
- (3) A person shall not be appointed as a member of the Panel if he has any interest in any matter which is required to be determined by the Panel.
- (4) Where a proceeding before a Panel under this section has commenced and a member of the Panel is unable to continue as a member, the Panel shall remain duly constituted for the purpose of that proceeding with the remaining two members.
- (5) The Commission shall with the approval of the Minister, make regulations providing for the procedure and operations of the Panel.
- (6) Any person dissatisfied with a decision of the Panel may apply to the Court for a review of the decision (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 90 stands part of the Bill — Agreed to.

PART XI — FINANCIAL PROVISIONS

Clause 91: Establishment of Fund for the Commission.

- (1) The Commission shall establish and maintain a Fund which shall be applied towards the promotion of the objectives specified in this Bill.
- (2) There shall be paid and credited to the fund established in pursuance of subsection (1) of this section —
 - (a) government statutory allocation and grant as may be provided by the Government of the Federation or appropriated by the National Assembly for payment into the Fund of the Commission;
 - (b) such monies as may, from time to time, be lent or granted to the Commission by the Federal Government, State or Local Government;
 - (c) all charges, dues, fees or amount recovered by the Commission and dividends from investment;
 - (d) deductions as may be approved under section 89 of this Bill;

- (e) all monies raised for the general purpose of the Commission with the approval of the Board; and
- (f) foreign aids and assistance from bilateral and multilateral Agencies
(Hon. Alhassan Ado Garba — House Leader)

Question that Clause 91 stands part of the Bill — Agreed to.

Clause 92: Expenditure of the Commission.

The Commission shall apply the funds established under this Bill to —

- (a) execute its statutory functions under this Bill and development activities in the capital project of the Commission;
- (b) pay approved allowances and expenses of members of the Board;
- (c) pay salaries, allowances and other benefits of officers of the Commission;
- (d) maintain properties acquired or vested in the Commission; and
- (e) undertake any other activity in connection with the object of this Bill (Hon. Alhassan Ado Garba — House Leader).

Question that Clause 92 stands part of the Bill — Agreed to.

Clause 93: Annual estimates, accounts and audit.

- (1) The Commission shall not later than 30th September of each year, submit to the Board for approval its estimates of income and expenditure for the next financial year.
- (2) The Commission shall:
 - (a) keep proper records of all accounts of its income and expenditure; and
 - (b) prepare statement of account in respect of each financial year.
- (3) The Commission shall prepare and submit its accounts to auditors in accordance with laid down guidelines and rules (Hon. Alhassan Ado Garba — House Leader).

Question that Clause 93 stands part of the Bill — Agreed to.

Clause 94: Annual Report.

The Commission shall submit its annual report to the Board, which shall include —

- (a) information on the activities of the Commission for the previous year; and
- (b) a copy of the audited accounts of the Commission for the previous year
(Hon. Alhassan Ado Garba — House Leader).

Question that Clause 94 stands part of the Bill — Agreed to.

Clause 95: Borrowing and investment power of the Commission.

- (1) The Commission may, in accordance with the financial regulations prescribed by government, borrow by way of loan or overdraft from any

...any specified amount of money required by the Commission for its...
 ...functions and the functions prescribed in the Bill...
 ...other retirement benefits as are prescribed in the Bill.

(2) The Commission may, subject to the provisions of this Bill and the...
 ...of any trust or other instrument of property, invest any of its...
 ...in accordance with the conditions prescribed by government (Hon. Alhassan Ado Garba — House Leader).

(3) For the purposes of this Bill...
 ...exercisable thereunder by the President or authority other than the Federal Government...
 ...and exercisable by the Commission.

Clause 96: Power to accept gifts.

(1) The Commission may accept gifts of money or other property upon such terms and conditions as may be specified by the person or organization making the gift...
 ...where the conditions attached by the person or organization making the gift are inconsistent with the functions and objectives of the Commission.

(2) The Commission shall not accept any gift where the conditions attached by the person or organization making the gift are inconsistent with the functions and objectives of the Commission.

(3) A gift donated to the Commission shall be made directly to the Commission and shall be utilized only for the purpose...
 ...to the Commission to comply with such directives (Hon. Alhassan Ado Garba — House Leader).

Question that Clause 96 stands part of the Bill — Agreed to.

Clause 97: Regulations.

(1) The Commission may with the consent of the Minister, make Regulations —

(a) Restriction on execution against property of the Commission...
 ...specifying the conditions necessary for the operation of a business...
 ...involving the publication, public exhibition, distribution, sale, hiring, rental, storage, warehousing or any other dealings with...
 ...work in which copyright subsists;

(b) prescribing any form of contract, or fines for any act or...
 ...provisions of this Bill or a...
 ...regulations made under this Bill; and
 ...of the Commission (Hon. Alhassan Ado Garba — House Leader).

(c) for the effective implementation of the provisions of this Bill.

(2) The contravention of any regulation order or any other instrument made under the provisions of this Bill, or non-compliance with any administrative sanctions imposed under any regulation issued by the Commission shall constitute an offence and shall be punishable, in the case of first offence; with a fine of not less than ₦100,000.00 and in the case of a repeat offence; with a fine of not less than ₦500,000.00 or imprisonment for a term of not less than 6 months (Hon. Alhassan Ado Garba — House Leader).

Question that Clause 97 stands part of the Bill — Agreed to.

Clause 98: Application of the Pensions Reform Act.

(1) Service in the employment of the Commission shall be the approved service

(a) ...test as confidential any information which came to his knowledge in the

under the Pensions Reform Act and accordingly, employees of the Commission shall, in respect of their services be entitled to pension and other retirement benefits as are prescribed in the Bill.

- (2) Notwithstanding the provisions of subsection (1) of this section, nothing in this Bill shall prevent the appointment of a person to any office on terms, which preclude the grant of a pension and gratuity in respect of that office.
- (3) For the purpose of the application of the Pensions Reform Act, any power exercisable thereunder by the President or authority other than the Federal Government (not being the power to make Regulations), shall be vested in and exercisable by the Commission.
- (4) Subject to subsection (2) of this Section, the Pensions Reform Act, shall in its application of subsection (3) of this section, have effect as if, the office were in the public service of the Federation within the meaning of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 98 stands part of the Bill — Agreed to.

Clause 99: Power of the Minister to give directives.

The Minister may give to the Commission, directives of a general character relating to the policies and functions of the Commission and it shall be the duty of the Commission to comply with such directives (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 99 stands part of the Bill — Agreed to.

Clause 100: Restriction on execution against property of the Commission.

- (1) In any action or suit against the Commission, no execution or attachment of process shall be issued against the Commission, unless prior to such execution, not less than three months' notice of the intention to execute or attach has been given to the Commission.
- (2) Any sum of money, which by the judgment of any court, has been awarded against the Commission shall, subject to any direction given by the court, where notice of appeal against the judgment has been given, be paid from the fund of the Commission (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 100 stands part of the Bill — Agreed to.

Clause 101: Indemnity.

Members of the Board, Director-General or staff of the Commission shall be indemnified out of the assets of the Commission against any proceedings brought against him in his capacity as a member of the Board, Director-General, officer or employee of the Commission, where the act complained of is not ultra vires his power (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 101 stands part of the Bill — Agreed to.

Clause 102: Avoidance of Conflict of interest.

A Board member, the Director-General or any other officer of the Commission shall

- (a) treat as confidential any information which came to his knowledge in the

exercise of his power or is obtained by him in the performance of his duties under this Bill;

- (b) not, for his personal gain, make use of any information which came to his knowledge in the exercise of this power or is obtained by him in the ordinary course of his duty as a member of the Board, Director-General or officer of the Commission; or
- (c) not disclose any information referred to under paragraph (b) of this section, except when required to do so by a court or in such other circumstances as may be prescribed by the Board from time to time (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 102 stands part of the Bill — Agreed to.

Clause 103: Avoidance of Conflict of interest Jurisdiction.

The Federal High Court shall have exclusive jurisdiction for the trial of offences and civil actions arising from this Bill (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 103 stands part of the Bill — Agreed to.

Clause 104: Limitation on suit against the Commission, etc.

(1) Notwithstanding anything in any other enactment, no suit against the Commission, a member of the Governing Board or any staff of the Commission, for an act done —

- (a) in pursuance or execution of his duties under this Bill or any other enactment or law; or
- (b) in respect of any alleged neglect or default in the execution of this Act or any other enactment,

shall lie or be instituted in any court unless the suit is commenced within twelve months next after the act, neglect or default complained of or where the damage or injury continues within twelve months next after the damage or injury ceases.

(2) No suit shall be commenced against the Commission or any member of staff of the Commission before the expiration of a period of three months after written notice of intention to commence the suit is served upon the Commission by the intending plaintiff or his agent.

(3) The notice referred to in subsection (2) of this section shall clearly state the cause of action, the particulars of the claim, the name and place of abode of the intending plaintiff and the relief which he claims (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 104 stands part of the Bill — Agreed to.

Clause 105: Service of documents.

A notice, summons, or other document required or authorised to be served on the Commission under the provisions of this Bill or any other enactment or law may be served by delivering same to the Director-General of the Commission or by sending it by registered mail or courier addressed to the Director-General at the Head Office of the Commission (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 105 stands part of the Bill - Agreed to

Clause 106: Repeals and savings provisions.

(1) The Copyright Act, 1988 as amended is hereby repealed.
(2) Sections 491 to 492 and 493 of the First Schedule to the Criminal Code Act and sections 426 and 427 of the Penal Code are hereby repealed.

(3) Without prejudice to section 6 of the Interpretation Act, the repeal of the enactment specified in subsection (1) of this section, shall not affect anything done under or pursuant to the enactment. (Hon. Alhassan Ado Garba - House Leader).

Question that Clause 106 stands part of the Bill - Agreed to

Clause 107: Transitional provisions.

(1) Subject to the provisions of this Bill, the Director-General of the Commission under the repealed Act is deemed to continue to serve his tenure under this Bill.

(2) Any person who immediately before the commencement of this Bill was a staff of the Nigerian Copyright Commission established under the repealed Act shall continue in office and be deemed to have been appointed under this Act for purposes of pension.

(3) Properties held immediately before the commencement date of this Bill on behalf of the Nigerian Copyright Commission by any person shall, by virtue of this Bill, be vested in the Commission established under this Bill.

(4) The Commission established under this Bill shall be subject to all the obligations and liabilities to which the former Nigerian Copyright Commission was subject immediately before the commencement of this Bill and all other persons shall have the same rights, powers and remedies against the Commission established by this Bill as they had against the Commission immediately before the commencement of this Bill.

(5) Any proceeding or cause of action pending or existing immediately before the commencement of this Bill by or against the Commission established under the repealed Act in respect of any right, interest, obligation or liability of the Commission may be continued or commenced, as the case may be, and any determination of a court of law, tribunal or other commission or person may be forced by or against the Commission established by this Bill to the same extent that such proceeding, cause of action or determination might have been continued, commenced or enforced by or against the Commission as if this Bill had not been made.

Wednesday

(6) This Bill applies in relation to works made before the commencement of this Bill as it applies in relation to works made after the commencement of this Bill.

(7) Proceedings for infringement of Copyright Act 1988, as amended may be taken notwithstanding that the alleged infringement occurred before the commencement of this Bill.

- (8) Where an act done before the commencement of this Bill was then an infringement but is not an infringement under this Bill, proceedings in respect of the act may be taken as if this Bill had not been made.
- (9) Contracts for the licensing of any act in respect of copyright that were effective immediately before the commencement of this Bill, shall continue in force as if they related to the corresponding copyright under this Bill.
- (10) A notice given under section 44 of the repealed Act and not withdrawn before the commencement of this Bill shall continue in force as if it had been given under section 84 of this Bill.
- (11) Any subsidiary legislation which was in force immediately before the commencement of this Bill shall remain in force, subject to any necessary modifications, as if it had been made under this Bill, and may be added to, amended, revoked or varied accordingly (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 107 stands part of the Bill — Agreed to.

Clause 108: Interpretation.

- (1) In this Bill —

"adaptation" means the modification of a pre-existing work from one type of work to another or altering a work within the same type to make it suitable for different conditions of exploitation and may also involve altering the composition of the work (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the word "adaptation" be as defined in the interpretation to this Bill — Agreed to.

"artistic work" includes, irrespective of artistic quality, any of the following works or similar works —

- (a) paintings, drawings, etchings, lithographs, woodcuts, engravings and prints;
- (b) maps, plans and diagrams;
- (c) works of sculpture;
- (d) photographs not comprised in an audiovisual work;
- (e) works of architecture in the form of building models; and
- (f) works of artistic craftsmanship, including pictorial woven tissues and articles of applied handicraft (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the words "artistic work" be as defined in the interpretation to this Bill — Agreed to.

"audiovisual work" means the aggregate of a series of related visual images with or without sound; which is capable of being shown as a moving picture by means of a mechanical, electronic or other device and irrespective of the nature of the material on which the visual images and sounds are carried and

includes the sound track, but does not include a broadcast (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the words "audiovisual work" be as defined in the interpretation to this Bill — Agreed to.

"author" in the case of —

- (i) audiovisual work means the person by whom the arrangements for the making of the audiovisual work were made, unless the parties to the making of the audiovisual work, provide otherwise by contract between themselves;
- (ii) collective work, means the person responsible for the selection and arrangement of the collection;
- (iii) literary, artistic or musical works means the creator of the work;
- (iv) a photographic work, means the person who took the photograph;
- (v) sound recording, means the person by whom the arrangements for the making of the sound recording were made; and
- (vi) a broadcast transmitted from within any country, means the person by whom the arrangements for the making or the transmission from within that country were undertaken (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the word "author" be as defined in the interpretation to this Bill — Agreed to.

"broadcast" means the transmission by wireless means of sounds or images or both, in such a manner as to cause such images or sounds to be received by the public (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the word "broadcast" be as defined in the interpretation to this Bill — Agreed to.

"broadcasting organization" means any authority established under any law in Nigeria or elsewhere providing broadcasting services for public reception (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the words "broadcasting organization" be as defined in the interpretation to this Bill — Agreed to.

"building" includes any fixed structure or a part of a building or fixed structure (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the word "building" be as defined in the interpretation to this Bill — Agreed to.

"choreographic work" means a composition of movements for dancing or any other patterned succession of gestures mostly created to accompanying music (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the words "choreographic work" be as defined in the interpretation to this Bill — Agreed to.

"collective work" means a collection of literary or artistic works, which by reason of the selection and arrangement of their contents, constitute intellectual creations and as such protected without prejudice to the copyright in each of the works forming part of such collection (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the words "collective work" be as defined in the interpretation to this Bill — Agreed to.

"communication to the public" means making a work or a performance available to the public by wire or wireless means in such a way that members of the public may access the work or performance from a place and at a time individually chosen by them (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the words "communication to the public" be as defined in the interpretation to this Bill — Agreed to.

"computer program" means a set of statements or instructions, whatever may be the mode or form of their expression, to be used directly or indirectly in a computer in order to bring about a certain result (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the words "computer programme" be as defined in the interpretation to this Bill — Agreed to.

"copy" means a reproduction in any form including a digital copy (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the word "copy" be as defined in the interpretation to this Bill — Agreed to.

"copyright" means copyright under this Bill (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the word "copyright" be as defined in the interpretation to this Bill — Agreed to.

"court" means the Federal High Court (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the word "court" be as defined in the interpretation to this Bill — Agreed to.

"exclusive licence" means a licence signed by or on behalf of a copyright owner, authorising the licensee to the exclusion of all other persons (including the person granting the licence), to exercise any right which would otherwise be exercisable exclusively by the copyright owner (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the words "exclusive licence" be as defined in the interpretation to this Bill — Agreed to.

"Government" includes Federal, State and Local Government (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the word "Government" be as defined in the interpretation to this Bill — Agreed to.

"licence" means a lawfully granted licence permitting the doing of an act controlled by this Bill (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the word "licence" be as defined in the interpretation to this Bill — Agreed to.

"literary work" includes, irrespective of literary quality, any of the following works or similar works —

- (a) novels, stories and poetical works;
- (b) plays, stage directions, audiovisual work scenarios and broadcasting scripts;
- (c) choreographic works;
- (d) computer programs;
- (e) textbooks, treatises, histories, biographies, essays and articles;
- (f) encyclopaedias, dictionaries, directories and anthologies;
- (g) letters, reports and memoranda;
- (h) lectures, addresses and sermons;
- (i) law reports, excluding decisions of courts;
- (j) written tables and compilations, including table or compilation of data stored or embodied in a computer or any medium (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the words "literary work" be as defined in the interpretation to this Bill — Agreed to.

"Minister" means the Minister charged with the responsibility for copyright matters (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the word "Minister" be as defined in the interpretation to this Bill — Agreed to.

"musical work" means musical composition, irrespective of musical quality (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the words "musical work" be as defined in the interpretation to this Bill — Agreed to.

"re-broadcast" means a simultaneous or subsequent broadcast by one broadcasting organisation of the broadcast of another broadcasting organisation (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the word "re-broadcast" be as defined in the interpretation to this Bill — Agreed to.

"reproduction" means the making of one or more copies of a literary, musical or artistic work, audiovisual work or sound recording (Hon. Alhassan Ado Garba — House Leader).

Question that the meaning of the word "reproduction" be as defined in the interpretation to this Bill — Agreed to.

"service provider" means a provider of online services or network access, including operators of such facilities, and any entity offering the transmission, routing, or providing of connections for digital online communications, between or among points specified by a user, of material of the user's choosing, without modification to the content of the material as sent or received (Hon. Alhassan Ado Garba — House Leader).

Question that the meaning of the words "service provider" be as defined in the interpretation to this Bill — Agreed to.

"sound recording" means the fixation of a sequence of sound capable of being perceived aurally and of being reproduced but does not include a sound track, accompanying or incorporated in an audiovisual work (Hon. Alhassan Ado Garba — House Leader).

Question that the meaning of the words "sound recording" be as defined in the interpretation to this Bill — Agreed to.

"work" includes translations, adaptations, new versions or arrangements of pre-existing works, and anthologies or collection of works which by reason of the selection and arrangement of their content, present an original character (Hon. Alhassan Ado Garba — House Leader).

Question that the meaning of the word "work" be as defined in the interpretation to this Bill — Agreed to.

"work of joint authorship" means a work produced by the collaboration of two or more authors in which the contributions of the authors are merged into inseparable or interdependent part of a whole (Hon. Alhassan Ado Garba — House Leader).

Question that the meaning of the words "work or joint authorship" be as defined in the interpretation to this Bill — Agreed to.

(2) The following provisions shall apply with respect to publication, that is to say —

- (a) a work shall be deemed to have been published if copies of it have been made available in a manner sufficient to render the work accessible to the public, including by making the work available to the public by wire or wireless means in such a way that members of the public may access it from a place and at a time individually chosen by them;

- (b) where in the first instance, a part only of a work is published, that part shall be treated for the purposes of this Act as a separate work; and
- (c) a publication in any country shall not be treated as being other than the first publication by reason only of an earlier publication elsewhere if the two publications took place within a period of not more than thirty days (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 108 stands part of the Bill — Agreed to.

Clause 109: Citation.

This Bill may be cited as the Copyright Bill, 2022 (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 109 stands part of the Bill — Agreed to.

SCHEDULE

Section 79 (3)

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

Proceedings of the Board

1. Subject to this Bill 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 five 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 subparagraph (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 Commission shall be authenticated by the signature of the Director-General and any other staff authorised generally or specially by the Commission 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 Commission by the Director-General or any person generally or specifically authorised by the Commission 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 —
 - (1) any vacancy in the membership of the Board; or
 - (2) any defect in the appointment of a member of the Board or committee; or
 - (3) 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 (*Hon. Alhassan Ado Garba — House Leader*).

Question that the provisions of the Schedule stand part of the Bill — Agreed to.

Explanatory Memorandum:

This Bill seeks to enhance the protection of copyright and neighbouring rights, provide for appropriate exceptions and improve the effective administration, regulation and enforcement of copyright in the digital environment (*Hon. Alhassan Ado Garba — House Leader*).

Agreed to.

Long Title:

A Bill for an Act to Repeal the Copyright Act, Cap. C28, LFN, 2004 and Enact the Copyright Act to Provide for the Regulation, Protection and Administration of Copyright; and for Related Matters (HB. 1986) (*Hon. Alhassan Ado Garba — House Leader*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report on a Bill for an Act to Repeal the Copyrights Act, Cap. C28, Laws of the Federation of Nigeria, 2004 and Enact the Copyrights Bill to Provide for Regulation, Protection and Administration of Copyright; and for Related Matters (HB. 1986) and approved Clauses 1-109, the Schedule, the Explanatory Memorandum, and the Long Title of the Bill.

Question that the House do adopt the Report of the Committee of the Whole — Agreed to.

- (v) **A Bill for an Act to Repeal the Nigerian College of Aviation Technology Act, Cap. N96, Laws of the Federation of Nigeria, 2004 and Enact the Nigerian College of Aviation Technology Bill to Provide for its Organization, Council and Operations; and for Related Matters (HB. 463) (Committee of the Whole):**

Motion made and Question proposed, "That the House do consider the Report on a Bill for an Act to Repeal the Nigerian College of Aviation Technology Act, Cap. N96, Laws of the Federation of Nigeria, 2004 and Enact the Nigerian College of Aviation Technology Bill to Provide for its Organization, Council and Operations; and for Related Matters (HB. 463)" (Hon. Peter Akpatason — Deputy House Leader).

Agreed to.

Question that the House do resolve into the Committee of the Whole to consider the Report — Agreed to.

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO REPEAL THE NIGERIAN COLLEGE OF AVIATION TECHNOLOGY ACT, CAP. N96, LAWS OF THE FEDERATION OF NIGERIA, 2004 AND ENACT THE NIGERIAN COLLEGE OF AVIATION TECHNOLOGY ACT, 2022, TO PROVIDE FOR ITS ORGANISATION, CONTROL AND OPERATIONS; AND FOR RELATED MATTERS

PART I — NIGERIAN COLLEGE OF AVIATION TECHNOLOGY

Clause 1: Establishment of the Nigerian College of Aviation Technology, Zaria.

- (1) There is established the Nigerian College of Aviation Technology, Zaria, Kaduna State (in this Bill referred to as "the College").
- (2) The College —
 - (a) shall be a body corporate with perpetual succession and a common seal;
 - (b) may sue or be sued in its corporate name; and
 - (c) may own, hold or dispose of property whether movable or immovable. *(Hon. Alhassan Ado Garba — House Leader).*

Question that Clause 1 stands part of the Bill — Agreed to.

Clause 2: Functions of the College.

- (1) The College shall —
 - (a) provide full-time and part-time courses of instruction and training —

- (i) in civil aviation, standard or specially designed for use in flight training or in airport operation and management,
 - (ii) in the installation, maintenance and operation, as the case may be, of technical equipment the use of which is calculated or likely to increase the margin of operational safety of civil aircraft services,
 - (iii) in aircraft manufacturing and distribution,
 - (iv) in other fields of humanities, science and applied learning relevant to the needs of the development of aviation in Nigeria, and
 - (v) for research in the development and adaptation of techniques as the Council may determine;
- (b) arrange conferences, seminars and study groups relative to the fields of learning referred to in paragraph (a) of this subsection;
 - (c) acquire necessary equipment and facilities relative to the fields of learning referred to in paragraph (a) of this subsection for the issuance of professional certificates, diplomas, and other certificates to persons who have pursued course of study approved by the Council and have satisfied such other requirements as prescribed by the Council;
 - (d) establish such campuses, faculties, institutes, schools, units departments and other teaching and research units as may be necessary subject to the approval of the Nigerian Civil Aviation Authority, National Board for Technical Education, or any approved accreditation body, within and outside Nigeria;
 - (e) institute instructorships, lectureships positions, and other teaching and non-teaching posts and make appointments to them;
 - (f) demand and receive from any student or any other person attending the College for the purpose of instruction, such fees as the College may determine subject to the overall directives of the Council;
 - (g) cooperate and collaborate with any other institution of higher learning; and
 - (h) perform such other functions as in the opinion of the Council may serve to promote the objectives of the College.
- (2) Courses provided for the purposes of subsection (1) shall include the organisation of incidental study groups and the delivery of necessary series of lectures, and if approved, fees may be calculated and charged at a rate approved by the Council.
- (3) The College may hold or acquire property, movable and immovable, but shall not mortgage, charge or dispose of any property held by it without obtaining the consent in writing of the Minister or approving authority as specified in the Financial Regulations of the Federal Government.

- (4) The College may enter into such contracts as may be necessary or expedient for carrying into effect the provisions of this Bill (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 2 stands part of the Bill — Agreed to.

Clause 3: Establishment and composition of the Governing Council of the College.

- (1) There is established for the College a Governing Council (in this Bill referred to as "the Council").
- (2) The Council shall consist of —
- (a) a part-time Chairman;
 - (b) one representative of the Federal Ministry of Aviation or the Ministry for the time being responsible for Aviation not below the rank of a director;
 - (c) one representative of the Nigerian Civil Aviation Authority not below the rank of a director;
 - (d) Nigeria's permanent representative to International Civil Aviation Organisation (ICAO) Council;
 - (e) one industry representative from the aviation sector;
 - (f) the Rector of the College;
 - (g) the Deputy Rectors;
 - (h) one representative of the National Board for Technical Education;
 - (i) one representatives of the Academic Board of the College and one representative of the College elected from the congregation who shall be a non-teaching staff of a rank equivalent to a principal instructor or lecturer;
 - (j) one person of good standing in the community where the College is situate who shall be a woman and one alumni member elected by the Alumni Association of the College; and
 - (k) the Registrar who shall be secretary to the Council.
- (3) The governing structure of the College shall consist of the —
- (a) Governing Council;
 - (b) Academic Board;
 - (c) College Management Board or Committee;
 - (d) School Board; and
 - (e) Departmental Board.
- (4) The composition of the Governing Council shall reflect equity and fairness

as enshrined in section 14 (3) of the Constitution of the Federal Republic of Nigeria, 1999.

- (5) The composition and functions of the Governing Council, the Academic Board, the College Management Board, the School Board and the Departmental Board are as set out in this Bill or the Schedule (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 3 stands part of the Bill — Agreed to.

Clause 4: Qualification of members of Council.

- (1) The Chairman of the Council shall be a renowned professional aviator.
- (2) The Chairman and members of the Council other than *ex-officio* members shall be appointed by the President (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 4 stands part of the Bill — Agreed to.

Clause 5: Tenure and removal of members of Council.

- (1) A member of the Council other than an *ex-officio* member shall hold office for a term of three years commencing from the date on which he was appointed and shall be eligible for re-appointment for a further term of three years and no more.
- (2) Where a vacancy occurs in the membership of the Council, that vacancy shall be filled by the appointment of a successor to hold office for the remainder of the term of his predecessor and the successor shall represent the same interest as his predecessor.
- (3) Any member of the Council who ceases to be a member shall, if he is also a member of a committee, cease to hold office on the committee.
- (4) A member appointed by the President in accordance with section 4(2) of this Bill may resign his appointment by, notice in writing under his hand addressed to the President through the Minister and in the case of *ex-officio* member, when he ceases to hold office on the basis of which he became a member of the Board.
- (5) The Council may act notwithstanding any vacancy in its membership or the absence of any member or that a person not entitled to do so took part in its proceedings (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 5 stands part of the Bill — Agreed to.

Clause 6: Allowances of members of Council.

- (1) A member of Council other than an *ex-officio*, shall be paid remuneration or allowances in accordance with rates specified in extant Federal Government Circulars.
- (2) Members of the Council shall be paid travelling and other allowances in accordance with extant rules (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 6 stands part of the Bill — Agreed to.

- (5) The Secretary to the Council or a person appointed to act under subsection (4), shall not vote on any matter before the Council or count towards a quorum unless he is so entitled as a member of the Council.
- (6) A Registrar shall hold office —
- (a) for a single term of five years only beginning from the date of appointment and on such terms and conditions as may be determined by his letter of appointment and other extant laws;
 - (b) where, on the commencement of this Bill, he has held office for four years or less from the date of his first appointment, his tenure shall be extended to reach the fifth year and he shall be deemed to be serving his final term; or
 - (c) where, on the commencement of this Bill, he is serving a second term of four years or has held office for a cumulative record of more than five years he shall leave office after eight years from the date of his first appointment as Registrar (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 15 stands part of the Bill — / Answer: Yes.

Clause 16: Other principal officers of the College.

- (1) There shall be other principal officers for the College as follows the —

- (a) Bursar; and
- (b) College Librarian.

who shall be appointed by the Council on the recommendation of the Selection Board constituted under section 9 (1) of this Bill.

- (2) The Bursar shall be —
- (a) as minimum qualification, a professional accountant possessing an accounting qualification and membership of a professional accounting body recognised by law in Nigeria with a minimum of 15 years cognate experience;
 - (b) the chief financial officer of the College; and
 - (c) responsible to the Rector for the day to day administration and control of the financial affairs of the College.
- (3) The College Librarian shall be responsible to the Rector for the administration of the College library and the co-ordination of the library services in the teaching units of the College.
- (4) The College Librarian shall as minimum qualification, be a professional librarian and attained the rank of chief lecturer or equivalent rank in a tertiary institution with a minimum of 15 years cognate experience.
- (5) The Bursar or Librarian shall hold office —

- (a) for a single term of five years only commencing from the date of his appointment; and
 - (b) on such terms and conditions as may be specified in his letter of appointment.
- (6) Where on the commencement of this Bill, a Bursar or Librarian has held office —
- (a) for four years or less from the date of his first appointment his tenure shall be extended to reach the fifth year and he shall be deemed to be serving his final term; and
 - (b) where he is serving a second term of four years or has held office for a cumulative record of more than five years, he shall leave office after eight years from the date of his first appointment as either Bursar or College Librarian as the case may be whether in acting or substantive capacity.
- (7) The principal officers of the College include the Rector, Deputy Rectors, Registrar, Bursar and the College Librarian.
- (8) The composition of the principal officers of the College shall reflect equity and fairness as enshrined in Section 14 (3) of the Constitution of the Federal Republic of Nigeria, 1999 (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 16 stands part of the Bill — Agreed to.

Clause 17: Resignation of appointment by principal officers.

- (1) A principal officer may resign his appointment —
 - (a) in the case of the Rector, by notice to the Visitor through the Governing Council; and
 - (b) in any other case, by notice to the Council.
- (2) The Council shall immediately notify the Minister upon the resignation of a principal officer (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 17 stands part of the Bill — Agreed to.

Clause 18: Removal from office of members of the Council and the Rector.

- (1) Where a member of the Council other than an ex-officio member or the Rector is to be removed from office on the ground of misconduct or inability to perform the functions of his office, the Council shall make a recommendation to that effect to the President through the Minister, and where the President, after making such inquiries he considers necessary, approves the recommendation, the Minister, shall, in writing, declare the office of such member vacant.
- (2) The President may remove any member of the Council where he is satisfied that it is not in the public interest or in the interest of the College that such member should continue as a member of the Council.
- (3) Where there is a vacancy in the office of the Rector, the Council shall appoint an acting Rector upon the recommendation of the Academic Board

who shall not be in office for more than six months (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 18 stands part of the Bill — Agreed to.

Clause 19: Other employees of the College.

- (1) The Council shall appoint either directly, by transfer of service, secondment or sabbatical leave appointment, such other staff as may be required for the purpose of the efficient performance of the functions conferred on the College under this Bill.
- (2) The composition of the Senior Management staff of the College appointed under subsection (1) shall reflect equity and fairness as enshrined in Section 14 (3) of the Constitution of the Federal Republic of Nigeria, 1999.
- (3) A law or rule requiring a person to retire from public service after serving for 35 years or having attained the age of 60 years in service shall not apply to staff of the College.
- (4) Notwithstanding anything to the contrary contained in the Pension Reform Act or any other enactment, the compulsory retirement age for permanent staff of the College shall be 65 years.
- (5) The power to appoint all other employees of the College shall be exercised
 - (a) in the case of senior employees, by the Council on the recommendation of the Senior Staff Appointments, Promotions and Disciplinary Committee set up under the provisions of paragraph 2 (3) (a) of the Schedule to this Bill; or
 - (b) in the case of junior employees, by the Rector on the recommendation of the Junior Staff Appointments, Promotions and Disciplinary Committee constituted under paragraph 2 (3) (b) of the Schedule to this Bill.
- (6) Subject to the provisions of this Bill, the remuneration and condition of service of employees of the College shall be as determined by the Council and in consultation with the National Salaries, Income and Wages Commission of the Federation (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 19 stands part of the Bill — Agreed to.

Clause 20: Removal and discipline of academic, administrative and technical staff.

- (1) Where there is a reason to believe that a person employed as a member of the academic, administrative or technical staff of the College, other than the Rector, should be removed from office on the ground of misconduct or inability to perform the functions of his office, the Council shall
 - (a) give notice of the reason to the person in question;
 - (b) afford him an opportunity of making representations in person on the matter to the Council; and
 - (c) where he or any three members of the Council so request within the

period of one month commencing from the date of the notice, make arrangements —

- (i) if he is an academic staff, for a joint committee of the Council and the Academic Board described in the Schedule to this Bill as Senior Staff Disciplinary Committee and the Junior Staff Disciplinary Committee in the case of Senior and Junior Staff respectively to investigate the matter and to report on it to the Council, or
- (ii) for a committee of the Council to investigate the matter where, it relates to any other member of the staff of the College and to report on it to the Council, and
- (iii) for the person in question to be afforded an opportunity of appearing before and being heard by the investigating committee with respect to the matter, and where the Council, after considering the report of the investigating committee, is satisfied that the person in question should be removed as aforesaid, the Council may so remove him by an instrument in writing signed on the directions of the Council.

2) The Rector may, in a case of misconduct by a member of the staff which in the opinion of the Rector, based on an investigation report, is prejudicial to the interest of the College, suspend such member for not more than three months and the suspension shall be reported to the Council.

3) For good cause, any member of staff may be suspended from office or his appointment may be terminated by the Council.

4) For the purpose of subsection (3), "good cause" means —

- (a) any physical or mental incapacity which the Council, after obtaining medical advice, considers to be such as to render the person concerned unfit for the discharge of the functions of his office;
- (b) any physical or mental incapacity which the Council, after obtaining medical advice, considers to be such as to render the person concerned unfit to continue to hold his office;
- (c) conduct of a scandalous or disgraceful nature which the Council considers to be capable of rendering the person concerned unfit to continue to hold his office; or
- (d) conduct which the Council considers to be such as to constitute failure or inability of the person concerned to discharge the functions of his office or to comply with the terms and conditions of his service.

5) Any person suspended under subsection (2) or (3), shall be placed on half pay and the Council shall, before the expiration of the period of three months after the date of such suspension consider the case against that person and come to a decision as whether to —

- (a) continue such person's suspension and if so, on what terms including the proportion of his emoluments to be paid to him;
 - (b) reinstate such person, in which case the Council shall restore his full emoluments to him with effect from the date of suspension;
 - (c) terminate the appointment of the person in question, in which case such a person, will not be entitled to the proportion of his emoluments withheld during the period of suspension; or
 - (d) take lesser disciplinary action against the person including the restoration of such proportion of his emoluments that might have been withheld as the Council may determine, and in any case where the Council, under this section, decides to continue a person's suspension or decides to take further disciplinary action against a person, the Council shall before the expiration of a period of three months from such decision come to a final determination in respect of the case concerning such person.
- (6) The person by whom an instrument of removal is signed under subsection (1), shall use his best endeavours to cause a copy of the instrument to be served as soon as reasonably practicable on the person against whom it relates.
- (7) Nothing in the provisions of this section shall prevent the Council from making such regulations for the appointment, condition and scheme of service, and discipline of other categories of staff and workers of the College as it may deem fit.
- (8) Any person aggrieved by the decision may within a period of 15 days from the date of receipt of the letter communicating Council decision, address an appeal to Council to reconsider its decision based on cogent reasons and the Council shall consider the appeal and communicate its decision within 45 days of receipt of the appeal (*Hon. Athassan Ado Garba — House Leader*).

Question that Clause 20 stands part of the Bill — Agreed to.

Clause 21: Discipline of students.

- (1) Subject to the provisions of this section, where it appears to the Rector, following an investigation report, that any student of the College has been guilty of misconduct, the Rector may, without prejudice to any other disciplinary powers conferred on him by this Bill or Regulations made under this Bill direct that the —
- (a) student shall not during the period specified in the direction, participate in such activities of the College or make use of such facilities of the College, as he may specify;
 - (b) activities of the student shall, during the period specified in the directions, be restricted in such manner as may be so specified;
 - (c) student be suspended for the period specified in the directions; or
 - (d) student be expelled from the College.
- (2) Where there is temporarily no Rector or where the Rector refuses to apply

any disciplinary measures, the Council may either directly or through some other staff, apply such disciplinary actions specified in subsection (1) to any student of the College who is guilty of misconduct.

- (3) Where a direction is given under subsection (1) (c) or (d) in respect of any student, the student may, within a period of 21 days from the date of receipt 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, within three months cause an 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 deem fit.
- (4) The fact that an appeal from a direction is brought under subsection (3) shall not affect the operation of the direction while the appeal is pending.
- (5) The Rector may delegate his power under this section to a disciplinary committee consisting of such members of the College as he may nominate.
- (6) 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.
- (7) A direction under subsection (1) (a) may be combined with a direction under subsection (1) (b).
- (8) The decision of the Council shall be final in all cases under this section (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 21 stands part of the Bill — Agreed to.

Clause 22: Discipline of junior staff.

- (1) Where any junior staff is accused of misconduct, gross misconduct or inefficiency, the Rector may suspend the Staff for not more than three months and shall direct the Junior Staff Appointments, Promotions and Disciplinary Committee —
 - (a) to consider the case; and
 - (b) make recommendations as to the appropriate action to be taken by the Rector.
- (2) An officer shall be informed of the charge against him and be given reasonable opportunity for defence in all cases under this Bill.
- (3) The Rector may, after considering the recommendation made under subsection (1) (b), dismiss, terminate, retire or down-grade the officer concerned.
- (4) Any person aggrieved by the Rector's decision under subsection (3), may within a period of 21 days from the date of the letter communicating the decision to him, address a petition or appeal to the Council to reconsider his case and the Council's decision on the matter shall be final (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 22 stands part of the Bill — Agreed to.

Clause 23: Pension.

- (1) Service in the employment of the College shall be approved service for the purpose of the Pension Reform Act and accordingly, officers and other persons employed in the College shall be entitled to in respect of their services to the College pensions and other retirement benefit as is prescribed in the Pensions Reform Act.
- (2) Nothing in the provisions of subsection (1) shall prevent the appointment of any person to any office on terms which preclude the grant of pension in respect of service in that office.
- (3) For the purpose of the application of the provisions of the Pension Reform Act, any power exercisable by a Minister or other Authority of the Government of the Federation, not being the power to make regulations is hereby vested in and shall be exercisable by the Council (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 23 stands part of the Bill — Agreed to.

PART III — FINANCIAL PROVISIONS

Clause 24: Funds of the College.

- (1) There is established for the College a fund (in this Bill referred to as "the Fund") from which all expenses incurred by the College for the performance of its functions under this Bill shall be paid.
- (2) There shall be credited to the Fund established under subsection (1) —
 - (a) grants, subventions and budgetary allocations received from the Government of the Federation including such money as may be appropriated to the College by the National Assembly;
 - (b) such money as may be lent or granted to the College by the Federal, States or Local Governments;
 - (c) fees for training and allied services received by the College;
 - (d) all sums accruing to the College by way of gifts, endowments, bequests, grants, donations, subsidies or other contributions by persons, organisations and donor agencies;
 - (e) money from such other sources as may be approved by the Council for the College; and
 - (f) a percentage of ticket, contract, cargo, charter sales or any other charges under the Civil Aviation Act or such other percentage as may be stipulated by the Minister in charge of Aviation.
- (3) The Fund established under subsection (1) shall be managed in accordance with extant Financial Regulations applicable in the Public Service of the Federation (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 24 stands part of the Bill — Agreed to.

Clause 25: Income and expenditure.

- (1) The Council shall prepare and submit to the Minister for approval not later

than 1st October in each financial year an estimate of its income and expenditure for the following financial year.

- (2) Notwithstanding the provisions of subsection (1) the Council shall where necessary due to unforeseen circumstances, submit supplementary or adjusted statement of estimated income and expenditure to the Minister for approval (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 25 stands part of the Bill — Agreed to.

Clause 26: Application of the Fund.

The College may apply the proceeds of the Fund established under section 24 (1) of this Bill —

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

Question that Clause 26 stands part of the Bill — Agreed to.

Clause 27: Account and audit.

- (1) The Council shall keep proper accounts and audit of the College in respect of each financial year.
- (2) The Council shall when the statement of account referred to in subsection (1) is certified by the Rector, submit its account for audit to auditors appointed by the College from among the list of auditors and in accordance with guidelines approved by the Auditor-General of the Federation and shall be published in the annual report of the College (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 27 stands part of the Bill — Agreed to.

Clause 28: Annual report.

- (1) The Council shall in every year furnish half-yearly reports to the Minister on the activities of the College, so however, that the first of such reports shall be furnished not later than 15 July in each year and every report shall be accompanied by a copy of the audited accounts of the College, and of the report (if any) by the auditor on the accounts as audited by him.
- (2) The Council shall on or before 31 December in each year prepare and

submit to the President through the Minister, a report of the activities of the College for the preceding financial year and shall include in the report a copy of the audited accounts of the College for that calendar year and the auditors' comments on the account (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 28 stands part of the Bill — Agreed to.

Clause 29: Power to accept gifts.

- (1) The College may accept gifts of land, aircraft, money or other property on such terms and conditions, if any, as may be specified by the person or organisation making the gift.
- (2) The College shall not accept any gift where the conditions attached by the person or organisation making the gift is inconsistent with the functions of the College under this Bill.
- (3) Donations of money to be applied to any particular purpose shall be placed to the credit of a special reserve account approved by the Council until such time as it may be expended in fulfilment of such purpose (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 29 stands part of the Bill — Agreed to.

Clause 30: Payment into bank.

All sums of money received on account of the Council shall be paid into such bank accounts for the credit of the Council as may be approved by the Council in line with prevailing laws, regulations and policies (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 30 stands part of the Bill — Agreed to.

Clause 31: Power to borrow.

- (1) Subject to all applicable laws and regulations, the Council may borrow by overdraft or otherwise, such money as the College may require for the performance of its functions under this Bill.
- (2) The Council shall not, without the approval of the President borrow money, which exceeds, at any time, the limit set by the Government of the Federation.
- (3) Notwithstanding subsection (1), where the sum to be borrowed is in foreign currency, the Council shall not borrow the sum without the prior approval of the President on the recommendation of the Minister (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 31 stands part of the Bill — Agreed to.

Clause 32: Power to invest funds.

- (1) The Council may, subject to the provisions of this Bill and the conditions of any trust created in respect of any property, invest funds which is not in immediate use in government bonds and securities in accordance with any general guidelines approved by the President or other appropriate authorities.

- (2) The College shall strive to recover the whole of its costs and to achieve reasonable returns on capital and investment (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 32 stands part of the Bill — Agreed to.

PART IV — GENERAL POWERS OF THE COLLEGE

Clause 33: Commissioning of pilots and other professionals.

- (1) Pilots and other professionals shall be commissioned and certified upon the successful completion of their designated courses and professional training by the College.
- (2) Where a trainee is withdrawn before being commissioned on disciplinary grounds or on any other ground, not being medical ground, such trainee shall not be granted the use of the College (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 33 stands part of the Bill — Agreed to.

Clause 34: Exclusion of discrimination.

- (1) Trainees shall not be required to satisfy requirements as to race, nationality including ethnic grouping, sex, place of birth or family origin, religious or political persuasion, as a condition of becoming or continuing to be a trainee at the College, the holder of any certificate of the College or of any appointment or employment at the College or a member of anybody established under any of the provisions of this Bill.
- (2) A person shall not be subjected to any disadvantage or accorded any advantage, in the College, by reference to any of the matters specified in subsection (1).
- (3) Nothing in this section shall be construed as preventing the College from imposing any disability or restriction on any person where such person wilfully refuses or fails on grounds of religious or cultural belief to undertake any duty generally and uniformly imposed on all persons or any group of person which duty, having regard to the nature and the special circumstances is, in the opinion of the College, reasonably justifiable in the national interest and for the purpose of the training (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 34 stands part of the Bill — Agreed to.

Clause 35: Compulsory acquisition of land.

For the purpose of the Land Use Act which provides for the compulsory acquisition of land for overriding public interest, any requirement of land by the College pursuant to its objectives as set out in this Bill shall be deemed to be for overriding public interest (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 35 stands part of the Bill — Agreed to.

Clause 36: Restriction on disposal of landed property.

All landed property of the College shall not be disposed of or charged except with the resolution of the Council (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 36 stands part of the Bill — Agreed to.

Clause 37: Establishment of staff housing scheme.
The College may, with the approval of the Minister engage in the establishment of staff housing scheme (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 37 stands part of the Bill — Agreed to.

PART V — MISCELLANEOUS PROVISIONS

Clause 38: Directives of general character.
The Minister may give to the Council directions of a general nature or relating generally to particular matters and the Council shall comply with any of the directions given by the Minister (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 38 stands part of the Bill — Agreed to.

Clause 39: Validation of past acts.
Where a person has, before the commencement of this Bill, been appointed or purported to act under powers, however conferred, incidental to the acquisition of land for, or incidental to the erection, supervision or control of the College established, such persons shall be deemed always to have been lawfully appointed, or to have validly exercised the powers, as the case may be (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 39 stands part of the Bill — Agreed to.

Clause 40: The seal of the College.

- (1) The seal of the College shall be such as may be administered by the Rector and the fixing of the seal of the College shall be signed by the Rector or the Registrar of the College.
- (2) The seal of the College shall be kept in the custody of the Rector of the College.
- (3) Academic certificates issued by the College shall have the College seal fixed and signed by the Rector and the Registrar of the College.
- (4) 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 College by any authorised person (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 40 stands part of the Bill — Agreed to.

Clause 41: Limitation of suit against the College.

- (1) Subject to the provisions of this Bill, the provisions of the Public Officers Protection Act, shall apply to any suit instituted against the College, an officer or employee of the College.
- (2) A suit shall not lie or be instituted in any court against the College, a member of the Council or any principal officer or employee of the College for an action carried out in pursuance or execution of this Bill or any law, or of any public duty or authority in respect of any alleged neglect or default in the execution of this Bill or any other law, duty or authority, unless it is commenced —

- (a) within three months of such act, neglect or default complained of; or
 - (b) in the case of a continuation of damages or injury, within six months next after the ceasing of the act, neglect or default.
- (3) A suit shall not be commenced against the College, a member of the Council or any principal officer or employee of the College before the expiration of a period of one month after written notice of the intention to commence the suit has been served on the College by the intending plaintiff or his agent.
- (4) The notice referred to in subsection (3) shall clearly 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 (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 41 stands part of the Bill — Agreed to.

Clause 42: Indemnity of officers of the College.

A member of the Council, Rector, officer or employee of the College shall be indemnified out of the assets of the College against any proceedings brought against him in his capacity as a member of the Council, Rector, officer or employee of the College where the act complained of is not ultra vires his powers (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 42 stands part of the Bill — Agreed to.

Clause 43: Power to make rules.

- (1) The Council may make rules relating to any matter within its competence under this Bill other than matters for which provision is to be made by standing orders under paragraph 1 of the Schedule to this Bill.
- (2) Rules made under subsection (1) shall be in writing and shall come into force when sealed with the seal of the Council unless some other date for its commencement is prescribed.
- (3) Nothing in subsection (2) shall make it obligatory for the Council to publish any of the rules referred to in this section in the Federal Government Gazette, however the Council shall bring such rules to the notice of all affected by the notice (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 43 stands part of the Bill — Agreed to.

Clause 44: Power to issue guidelines.

- (1) The College shall, with the approval of the Minister, issue guidelines for the purpose of giving effect to the provisions of this Bill.
- (2) Guidelines made under this section shall, when approved by the Minister, be published in the Federal Government Gazette (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 44 stands part of the Bill — Agreed to.

Clause 45: Repeal and savings provision.

- (1) The Nigerian College of Aviation Technology Act, Cap. N96, Laws of the Federation of Nigeria, 2004 is repealed.
- (2) Without prejudice to section 6 of the Interpretation Act, the repeal of the Act specified under subsection (1), shall not affect anything done under the Act.
- (3) Every regulation, statute, order, requirement, certificate, notice, direction, decision, authorisation, consent, application, request or thing made, issued, given or done under the repealed Act shall, if in force at the commencement of this Bill, continue to be in force and have effect as if made, issued, given or done under the corresponding provisions of this Bill.
- (4) All assets, funds, resources and other movable and immovable property which, immediately before the commencement of this Bill, vested in the College established under the repealed Act (in this Bill referred to as "the former College"), shall by virtue of this Bill be vested in the College established under section 1 of this Bill.
- (5) Every reference to the former College, Council, Minister, Rector, Council Chairman or any person under their control or a document issued in the name of the former College, Council, Minister, Rector, Chairman of the former Council or employee of the former College shall be read, unless the context otherwise requires, as a reference to the College, Minister, Council, Rector, Chairman or an employee of the College established under this Bill, as the case may be (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 45 stands part of the Bill — Agreed to.

Clause 46: Transitional provisions.

- (1) Subject to the provisions of this Bill, the Rector of the College established under the repealed Act is deemed to have been transferred to the College established under this Bill under the same conditions as Rector.
- (2) Any person who immediately before the commencement of this Bill was a staff of the College established under the repealed Act shall continue in office and be deemed to have been appointed under this Bill for purposes of pension.
- (3) Properties held immediately before the commencement date of this Bill on behalf of the Nigerian College of Aviation Technology, Zaria by any person shall, by virtue of this Bill, be vested in the College established under this Bill.
- (4) The College established in section 1 of this Bill shall be subject to all the obligations and liabilities to which the former Nigerian College of Aviation Technology was subject immediately before the commencement of this Bill and all other persons shall have the same rights, powers and remedies against the College established by this Bill as they had against the College immediately before the commencement of this Bill.
- (5) Any proceeding or cause of action pending or existing immediately before the commencement of this Bill by or against the College established under the repealed Act in respect of any right, interest, obligation or liability of the

College may be continued or commenced, as the case may be, and any determination of a court of law, tribunal or other commission or person may be enforced by or against the College established by this Bill to the same extent that such proceeding, cause of action or determination might have been continued, commenced or enforced by or against the College as if this Bill had not been made.

- (6) As from the commencement of this Bill, any disciplinary proceeding pending or existing against any employee of the College shall be continued and completed by the College established under this Bill (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 46 stands part of the Bill — Agreed to.

Clause 47: Interpretation.
In this Bill, —

"Academic Board" means the Board established under section 8 of this Bill (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the words "Academic Board" be as defined in the interpretation to this Bill — Agreed to.

"Act" means the Nigerian College of Aviation Technology Act, 2022 (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the word "Act" be as defined in the interpretation to this Bill — Agreed to.

"approved" means approved by the Minister (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the word "approved" be as defined in the interpretation to this Bill — Agreed to.

"College" means the Nigerian College of Aviation Technology established under section 1 of this Bill (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the word "College" be as defined in the interpretation to this Bill — Agreed to.

"Council" means the Governing Council established under section 3 of this Bill (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the word "Council" be as defined in the interpretation to this Bill — Agreed to.

"Joint Council" means a combination of members of the Governing Council and members of the Academic Board (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the words "Joint Council" be as defined in the interpretation to this Bill — Agreed to.

"Minister" means the Minister of the Government of the Federation charged with responsibility for Civil Aviation (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the word "Minister" be as defined in the interpretation to this Bill — Agreed to.

"prescribed" means prescribed on behalf of the College with the approval of the Minister (Hon. Alhassan Ado Garba — House Leader).

Question that the meaning of the word "prescribed" be as defined in the interpretation to this Bill — Agreed to.

"President" means the President of the Federal Republic of Nigeria (Hon. Alhassan Ado Garba — House Leader).

Question that the meaning of the word "President" be as defined in the interpretation to this Bill — Agreed to.

"Rector" means the Rector of the College; and (Hon. Alhassan Ado Garba — House Leader).

Question that the meaning of the word "Rector" be as defined in the interpretation to this Bill — Agreed to.

"The Senior Staff Appointments, Promotions and Disciplinary Committee" means a body by that name established under paragraph 2 (3) (a) of the Schedule to this Bill (Hon. Alhassan Ado Garba — House Leader).

Question that the meaning of the words "The Senior Staff Appointments, Promotions and Disciplinary Committee" be as defined in the interpretation to this Bill — Agreed to.

Question that Clause 47 stands part of the Bill — Agreed to.

Clause 48: Citation.

This Bill may be cited as the Nigerian College of Aviation Technology Bill, 2022 (Hon. Alhassan Ado Garba — House Leader).

Question that Clause 48 stands part of the Bill — Agreed to.

SCHEDULE

Sections 3 (5), 19 (5), 20 (1) (c) (i) and 43 (1)

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL *Proceedings of the Council*

1. (1) The Council may make standing orders with respect to the holding of meetings, the nature of notices to be given, the proceedings, the keeping of minutes of such proceedings and the custody and production for inspection of such minutes.
- (2) At any meeting of the Council, the Chairman shall preside and if he is not present, the members attending may appoint one of their members to be Chairman of that meeting.
- (3) The Council shall meet for the conduct of business at such times as the Chairman of the Council may appoint but shall meet not less than once in a quarter.

- (4) The Chairman of the Council may at any time and shall at the request in writing of not less than five members of the Council summon a meeting of the Council.
- (5) Particulars of the business to be transacted shall be circulated to members with the notice of the meeting at least two weeks before the date of the meeting.
- (6) Where the Council desires to obtain the advice of any expert on a particular matter concerning the College, the Council may co-opt him as a member for such period as the Council thinks 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 Council, and shall not count towards a quorum.
- (7) Every question put before the Council at a meeting shall be decided by a simple majority of the members present and voting.
- (8) Two-third of members of Council shall form a quorum at any meeting of the Council.
- (9) The Chairman shall, at any meeting of the Council, have a vote and, in the case of an equality of votes, may exercise a casting vote.
- (10) Subject to the provisions of this Bill, the Council may in the name of the College make standing orders regulating the proceedings of the College or of the Council, and in the exercise of its powers under this Bill, may set out committees in the general interest of the College, and make standing orders therefor.
- (11) Standing orders shall provide for decisions taken to be unanimous and accordingly the Chairman shall not have a second or casting vote.
- (12) Standing orders made for a committee shall provide that the committee is to report back to the Council on any matter not within its competence under this Bill to decide.

Committees of the Council

2. (1) The Council may appoint one or more committees to carry out on behalf of the Council such functions as the Council may determine.
- (2) A committee appointed under this paragraph shall consist of the number of persons determined by the Council.
- (3) Without prejudice to the provisions of subparagraph (1), the Council shall appoint the following committees —
 - (a) Senior Staff Appointments and Promotions Committee which shall consist of the Rector as Chairman, two members of the Academic Board who are not members of Council and two other members of the Council as members;
 - (b) Junior Staff Appointments and Promotion Committee which shall consist of a Deputy Rector as Chairman, two members of the Academic Board who are not members of the Senior Staff Appointments and Promotions Committee and two other members appointed by the Rector;
 - (c) the Committee on Students' Affairs which shall consist of the following members —
 - (i) a Deputy Rector, appointed by the Rector, as Chairman;

- (ii) one external member of the Council;
 - (iii) Dean of Students Affairs;
 - (iv) two members of the Academic Board who are not members of the Senior or Junior Staff Disciplinary Committee, not below the rank of senior lecturer; and
 - (v) four representatives of the Students Union of the College;
- (d) the Finance and General Purpose Committee; and
- (e) the Academic Development Committee.
- (4) The Committee on Students Affairs shall be charged with the duty of considering any —
- (a) matter which relates to the welfare of students;
 - (b) other matter referred to it by either the Council or management of the College; and
 - (c) matter which the students wish to refer to the Council, which shall be referred to the management in the first instance and which the management may have referred to the Committee on Students Affairs.
- (5) Any matter which the students wish to refer to the Council shall be referred to the Committee on Students' Affairs in the first instance.
- (6) The decision of a Committee of the Council shall have no effect unless it is confirmed by the Council.
- (7) There shall be a Management Committee consisting of all the principal officers of the College, Deans and Directors in the College.
- (8) The Rector shall be the Chairman of the Management Committee.
- (9) The Management Committee shall meet at least once in a month to discuss and take decisions on matters of general interest to the College.
- (10) There shall be a School Board for each school in the College consisting of all the academic staff in that school.
- (11) The School Board shall deal with academic matters and any other matter of interest to the School or any matter assigned to it by the Council, the Rector or the Academic Board.
- (12) The Dean shall be the Chairman of the School Board.
- (13) The Dean shall be elected from among the academic staff not below the rank of chief instructor or lecturer in that school, for a term of two years and may be elected for another one term of two years.
- (14) There shall be a Departmental Board for each department in the College consisting of all the academic staff in that department.

- (15) The Departmental Board shall deal with academic matters and any other matter of interest to the Department.
- (16) The Head of Department shall be the Chairman of the Departmental Board.
- (17) The Head of Department shall be elected from among the academic staff not below the rank of principal instructor or lecturer in that department for a term, of two years and may be elected for another one term of two years.
- (19) Where there is no qualified candidate for the position of Dean or Head of Department, the Rector shall appoint an acting Dean, not below the rank of principal instructor or lecturer or an Acting Head of Department not below the rank of senior instructor or lecturer, for a term of one year in the first instance and renewable only once.
- (20) Where there is still no qualified person, another person shall be appointed to act on the same terms specified under subparagraph (19).
- (21) Nothing in this Bill shall prevent the Management Committee and Boards from making supplementary rules to guide their proceedings provided such rules are consistent with the provisions of this Bill.
- (22) There shall be for the College, a Congregation consisting both academic and senior non-teaching staff, who hold at least a first degree or its equivalent.
- (23) The Rector shall be the Chairman of the Congregation.
- (24) The Congregation shall meet at least once in a year to conduct its business as prescribed in this Bill and to receive report from the Rector on the state of affairs of the College.
- (25) There shall be for the College a Senior Staff Disciplinary Committee which shall consist of —
 - (a) an external member of Council as Chairman;
 - (b) two members of the Academic Board not below the rank of Chief Instructor or Lecturer;
 - (c) two members of the Congregation who are not academic staff not below a rank equivalent to assistant chief instructor or lecturer; and
 - (d) one member of the Council external to the College.
- (26) The Committee members shall serve for two years and be eligible for reappointment for another two years only.
- (27) There shall be established for the College a Junior Staff Disciplinary Committee consisting of —
 - (a) a Deputy Rector as Chairman;
 - (b) two academic staff appointed by the Rector who are not members of the Senior Staff Disciplinary Committee;

- (c) two non-teaching staff appointed by the Rector equivalent in rank to a senior instructor or lecturer; and
- (d) two members of Council external to the College not being members of the Senior Staff Disciplinary Committee.

Conflict of Interest

3. Any member of the Council or committee who has a personal interest in any arrangement entered into or proposed to be considered by the Council or any committee shall —
- (a) disclose his interest to the Council or committee; and
 - (b) not vote on any question relating to the arrangement.

Miscellaneous

4. (1) The fixing of the seal of the College shall be authenticated by the signature of the Chairman of the Council or of the Rector where authorised by the Council for that purpose.
- (2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the College by any person generally or specially authorised to act for that purpose by the Council.
- (3) Any document purporting to be a document duly executed under the seal of the College shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.
- (4) The validity of any proceedings of the Council shall not be affected by any defect in the appointment of a member of the Council or of a person to serve on the Committee, or by reason that a person not entitled to do so took part in the proceedings.
- (5) A person shall not by reason only of his membership of the Council be treated as holding an office of emolument under the Government.
- (6) The common seal of the Council shall not be used or affixed to any document except in pursuance of a resolution duly passed at a properly constituted meeting of the Council and recorded in the minutes of such meeting (*Hon. Alhassan Ado Garba — House Leader*).

Question that the provisions of the Schedule stand part of the Bill — Agreed to.

Explanatory Memorandum:

This Bill repeals the Nigerian College of Aviation Technology Act, Cap. N96, Laws of the Federation of Nigeria, 2004 and enacts the Nigeria College of Aviation Technology Act, 2022 to provide for the establishment of the Nigerian College of Aviation Technology, charged with the general duty of providing civil aviation courses, standard or special, designed for use in flight training or in airport operation and management as may be prescribed for approved persons (*Hon. Alhassan Ado Garba — House Leader*).

Agreed to.

Long Title:

A Bill for an Act to Repeal the Nigerian College of Aviation Technology Act, Cap. N96, Laws of the Federation of Nigeria, 2004 and Enact the Nigerian College of Aviation Technology Act, 2022, to Provide for its Organisation, Control and Operations; and for Related Matters (HB. 463) (*Hon. Alhassan Ado Garba — House Leader*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report on a Bill for an Act to Repeal the Nigerian College of Aviation Technology Act, Cap. N96, Laws of the Federation of Nigeria, 2004 and Enact the Nigerian College of Aviation Technology Bill to Provide for its Organization, Council and Operations; and for Related Matters (HB. 463) and approved Clauses 1 - 48, the Schedule, the Explanatory Memorandum, and the Long Title of the Bill.

Question that the House do adopt the Report of the Committee of the Whole — Agreed to.

- (vi) *A Bill for an Act to Repeal the Nigerian Airspace Management Agency Act, Cap. N90, Laws of the Federation of Nigeria, 2004 and Enact the Nigerian Airspace Management Agency Bill to provide Efficient Air Navigation Services in Nigeria, Ensure Safety and Regulation of Air Navigation in Nigeria and to any other place which Nigeria has Responsibility of Providing Air Navigation Services; and for Related Matters (HB. 462) (Committee of the Whole):*

Motion made and Question proposed, “That the House do consider the Report on a Bill for an Act to Repeal the Nigerian Airspace Management Agency Act, Cap. N90, Laws of the Federation of Nigeria, 2004 and Enact the Nigerian Airspace Management Agency Bill to provide Efficient Air Navigation Services in Nigeria, Ensure Safety and Regulation of Air Navigation in Nigeria and to any other place which Nigeria has Responsibility of Providing Air Navigation Services; and for Related Matters (HB. 462)” (Hon. Peter Akpatason — Deputy House Leader).

Agreed to.

Question that the House do resolve into the Committee of the Whole to consider the Report — Agreed to.

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

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

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

The objective of this Bill is to provide a comprehensive legal and institutional framework for the provision of effective air navigation services in Nigeria, ensuring

safety and regularity of air navigation in Nigeria and any other place in which Nigeria has responsibility of providing air navigation services and other related matters (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 1 stands part of the Bill — Agreed to.

Clause 2: Application.

This Bill applies in respect of every aircraft in the Nigerian airspace or any other airspace in respect of which Nigeria has responsibility for the provision of air traffic service (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 2 stands part of the Bill — Agreed to.

PART II — NIGERIAN AIRSPACE MANAGEMENT AGENCY

Clause 3: Establishment of the Nigerian Airspace Management Agency.

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

Question that Clause 3 stands part of the Bill — Agreed to.

Clause 4: Establishment and membership of the Governing Board.

- (1) There is established for the Agency a Governing Board (in this Bill referred to as "the Board").
- (2) The Board shall consist of —
 - (a) a part time Chairman;
 - (b) one representative not below the rank of a Director from each of the —
 - (i) Federal Ministry in charge of Aviation,
 - (ii) Nigerian Air Force,
 - (iii) Federal Ministry in charge of Communications, and
 - (iv) Federal Ministry in charge of Transportation;

- (c) two other persons to represent public interest; and
 - (d) the Managing Director of the Agency.
- (3) The Chairman and members of the Board, other than the ex-officio members, shall be —
- (a) appointed by the President on the recommendation of the Minister; and
 - (b) persons with proven integrity and ability.
- (4) The composition of the Governing Board shall reflect equity and fairness as enshrined in section 14 (3) of the Constitution of the Federal Republic of Nigeria, 1999.
- (5) The Chairman shall be a person with at least 15 years cognate experience in matters relating to aviation.
- (6) The supplementary provisions set out in the Schedule to this Bill, shall have effect with respect to proceedings of the Board and any other matter contained in it (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 4 stands part of the Bill — Agreed to.

Clause 5: Tenure of office.

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

- (a) hold office for a term of four years on such terms and conditions as may be specified in the letter of appointment; and
- (b) be eligible for re-appointment for another term of four years and no more (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 5 stands part of the Bill — Agreed to.

Clause 6: Cessation of office.

- (1) Notwithstanding the provisions of section 5 of this Bill, a person shall cease to hold office as a member of the Board where —
- (a) his term of office expires;
 - (b) he resigns his office by a notice in writing under his hand addressed to the President through the Minister;
 - (c) he dies;
 - (d) he becomes incapable of carrying out his duties due to physical or mental illness;
 - (e) he has been declared bankrupt;
 - (f) he has been convicted of a felony or any offence involving dishonesty;
 - (g) he is found guilty of a gross misconduct relating to his duties;

- (h) in the case of a person possessed of professional qualification, is disqualified or suspended from practicing his profession in any part of the world by an order of a competent authority; or
 - (i) in the case of an *ex-officio* member, ceases to hold the office on the basis of which he became a member of the Board.
- (2) Notwithstanding the provisions of subsection (1), a member of the Board may be suspended or removed from office by the President if he is satisfied that it is not in the interest of the Agency and public that such member should continue in office.
- (3) Where a vacancy occurs in the membership of the Board, it shall be filled by an appointment by the President of a successor to hold office for the remainder of the term of office of his predecessor and the successor shall represent the same interest as that member whose exit created the vacancy (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 6 stands part of the Bill — Agreed to.

Clause 7: Allowances of Board members.

There shall be paid to every member of the Board such allowances and expenses as the Federal Government may determine (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 7 stands part of the Bill — Agreed to.

PART III — FUNCTIONS AND POWERS OF THE AGENCY

Clause 8: Functions of the Agency.

- (1) The Agency shall —
- (a) provide air traffic services in Nigeria and any other place where Nigeria has responsibility for provision of air navigation services, including air traffic control, visual and non-visual aids, aeronautical information services, telecommunication, aeronautical telecommunication, communication, flight calibration services and electricity supplies relating thereto, to enable public transport, private, business and military aircraft to fly, as far as practicable and as safely as possible;
 - (b) provide at all Nigerian airports and aerodromes air navigation services necessary for the operation of aircraft taking-off and landing and integrate them into the overall flow of air traffic within the Nigerian airspace;
 - (c) carry out obstruction evaluation necessary to minimise or prevent interference with the use or effectiveness of all apparatus used in connection with air navigation and for prohibiting the use of such apparatus and the display of any sign, light, tower and masts liable to endanger aircraft and the use of the Nigerian airspace;
 - (d) generally secure the safety, efficiency and regularity of air navigation;
 - (e) require any person engaged or employed in connection with air

...navigation, to obtain special air defence information, to supply meteorological information for the purpose of air navigation or as may be deemed necessary;

...for providing effective security for navigation facilities outside the airport perimeters; (g) create conditions for the development, in the most efficient and economic manner, of air navigation services;

...to promote the development of air navigation services and, regional and national plans, (h) maintain adequate aeronautical communication, navigation and surveillance, telecommunication facilities for air traffic management and other allied services at all Nigerian airports and aerodromes other

...undertake systems (i) provide air navigation techniques and improve air navigation safety and national airspace capacity system through integration of

...new technologies, implementation of next generation systems, air traffic control modernisation projects, integration of unmanned aircraft system and drone into the national airspace, deployment of unmanned air traffic control management system and system-wide

...information management line (j) with global and regional air navigation plans; (k) co-ordinate the implementation of aeronautical search and rescue and

...provision of search and rescue services and infrastructure technology for implementation of a system block upgrade, to ensure global interoperability and safety in the Nigerian airspace;

...in the use of Nigerian airspace in line with standards and procedure; (l) provide the co-ordination at all levels of collaborative

...airspace management and air traffic control in Nigeria, to ensure compliance with applicable safety management system; (m) ensure innovative airspace design development and utilisation to

...within the Nigerian airspace in order to prevent congestion, improve flight efficiency and reduce flight time; (n) provide and manage on commercial basis, air traffic and air

...navigation services to private and state owned airports; (o) coordinate the needs of the armed forces on Nigeria's international obligations as it relates to civil and military

...with the armed forces on Nigeria's international obligations as it relates to civil and military cooperation with a view to joint venture for the purpose of providing aeronautical telecommunication and

...by civil and military personnel to any other air traffic service; (p) maintain permanent liaison with the civil air traffic services units and all relevant defence units, in order to ensure daily integration or

...segregation of civil and military air traffic operations within the same operational portions employing civil or military radars as processes which may require a determination of the scope, boundaries and interfaces of the constituent parts being considered, as well as the identification of the functions that the constituent part

...and risk assessment and mitigation processes which may require a determination of the scope, boundaries and interfaces of the constituent parts being considered, as well as the identification of the functions that the constituent part

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- (r) preclude the need for civil aircraft to obtain special air defence clearance;
- (s) take any necessary step to reasonably prevent the penetration of controlled airspace by any aircraft, civil or military without co-ordination with the air traffic control unit concerned;
- (t) undertake research and study relating to air navigation activities in order to promote the development of air navigation services and align with relevant changes in global, regional and national plans, procedures, mechanisms, essential for the provision of efficient, safe and orderly air navigation services;
- (u) undertake systems engineering development, implementation for communications, navigation and surveillance, air traffic management and telecommunications and other allied services;
- (v) conduct investigation into any air traffic incidents with a view to determining the cause and take necessary measures to prevent such re-occurrence;
- (w) charge for all services provided by the Agency;
- (x) co-ordinate the implementation of aeronautical search and rescue and may demand by requisition from any organisation any available equipment, facilities or personnel which may assist in the speedy and effective use in aeronautical search and rescue emergency situations;
- (y) discharge the operational, technical and financial air traffic service commitments arising from Nigeria's membership to any international organisation and other air navigation agencies;
- (z) conduct routine safety surveys and where necessary make any improvement to ensure compliance with applicable safety management system;
- (aa) ensure that the necessary safety measures are put in place to prevent compromise of air navigation safety standards within and outside the airport;
- (bb) ensure the continued operations and availability of airborne and ground components of the air traffic management system through cooperation with relevant parties;
- (cc) cooperate with anybody through partnership or joint venture for the purpose of providing aeronautical telecommunication and telecommunications services within the airports and to discharge any other function of the Agency;
- (dd) deploy terrestrial and satellite communication facilities for air navigation services;
- (ee) conduct hazard identification and risk assessment and mitigation processes which may include a determination of the scope, boundaries and interfaces of the constituent part being considered, as well as the identification of the functions that the constituent part

is to perform and the environment of operations in which it is intended to operate;

- (ff) maintain a data bank that will provide accurate, dependable and reliable information to the entire aviation sector for effective planning and advisory to industry users and stakeholders to build capacity for safe air transportation;
 - (gg) carryout the design, regular and periodic review of national airspace architecture including appropriate instrument approach procedures for aircraft operations to enhance airspace capacity;
 - (hh) undertake the publication and distribution of aeronautical information and any other guidance material in the form of Aeronautical Information Publications (AIPS), Notices to Airmen (NOTAM), Aeronautical Information Circulars (AICs), etc.;
 - (ii) produce charts that will provide flight crew with detailed information on the airport or aerodrome to facilitate the ground movement of aircraft between the taxiways and the aircraft stands and the parking or docking of aircraft within the airport or aerodrome;
 - (jj) develop and manage the framework for cyber-resistance to help mitigate cyber-threats and risks to air navigation systems and facilities and share cyber related incident information with relevant aviation stakeholders; and
 - (kk) undertake the classification and allocation of the use of the Nigerian airspace for aircraft operations in collaboration with the relevant government agency.
- (2) A person other than the Agency shall not provide air navigation services in respect of the Nigerian airspace or any other airspace which Nigeria has responsibility to provide such services.
- (3) The Agency may with the approval of the Minister, introduce, increase, terminate, or reduce air navigation services, and close or relocate facilities used by it in connection with navigation services within the Nigerian airspace or any other airspace which Nigeria has responsibility for the provision of air navigation services.
- (4) A person shall not commence construction or reconstruction of an aerodrome in Nigeria without the necessary input of the Agency in line with its functions under this Bill.
- (5) The functions of the Agency in this Bill is vested in the Managing Director of the Agency who may exercise them directly or through the Directors or any other staff of the Agency he may deem fit (*Hon. Alhassan Ado Garba – House Leader*).

Question that Clause 8 stands part of the Bill – Agreed to.

Clause 9: Powers of the Agency.

- (1) Subject to the provision of this Bill, the Agency shall have powers to –

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

(b) levy such charges or fees on aircraft operators, private and state aerodrome operators for air traffic control services, international and domestic en route flight services, over-flight services, terminal navigation services and any other charges or fees as may be determined by the Agency;

(c) identify or withhold flight clearance to any operator until the amount of charges or fees imposed by the Agency has been paid by the operator or a security or guarantee has been given to the satisfaction of the Agency for the payment of the charges or fees;

(d) inspect or examine accounts, records and memoranda required to be kept by aircraft and aerodrome operators;

(e) cooperate and collaborate with the relevant authority within and outside Nigeria to ensure coordinated search and rescue operations for missing aircraft and aircraft in distress; and

(f) do anything which in its opinion is calculated at facilitating the performance of its functions under the provisions of this Bill.

(2) Notwithstanding the provision of any other law, policy or circular in force, any fees and charges imposed by the Agency shall not be subject to any deductions or remittance to any other body (Hon. Alhassan Ado Garba — House Leader).

A person other than the Agency shall not provide air navigation services in Nigeria. (3) Question that Clause 9 stands part of the Bill — Agreed to.

Clause 10: Functions and powers of the Board.

The Board shall (3) The Agency may with the approval of the Board, introduce, increase, terminate, or reduce air navigation services, and close or relocate facilities within the Nigerian airspace or any other airspace under its jurisdiction.

(a) provide the general policies and guidelines relating to the performance of the functions of the Agency; (b) monitor the implementation of the policies and programmes of the Agency;

(c) consider terms and conditions of services including remuneration of the employees of the Agency; (d) do such other things which in its opinion is considered necessary or expedient to ensure the performance of its functions under this Bill (Hon. Alhassan Ado Garba — House Leader).

Question that Clause 10 stands part of the Bill — Agreed to.

PART IV — MANAGEMENT AND STAFF OF THE AGENCY

Clause 11: Managing Director of the Agency. (1) There shall be appointed for the Agency a Managing Director —

- (a) by the President on the recommendation of the Minister; and
 - (b) on such terms and conditions as may be specified in the letter of appointment or as may be determined by the Government of the Federation.
- (2) The Managing Director shall be —
- (a) the chief executive and accounting officer of the Agency;
 - (b) responsible for the day-to-day administration of the Agency;
 - (c) appointed for a term of five years and may subject to satisfactory performance, be re-appointed for a further term of five years and no more;
 - (d) a person who possesses relevant and adequate professional qualification in a senior management cadre; and
 - (e) a person who has been qualified in air navigation services for a period of not less than 15 years, five of which shall be in the senior management cadre in an air navigation services provider environment.
- (3) The Managing Director may be removed from office by the President where he —
- (a) has demonstrated inability to effectively perform the duties of his office;
 - (b) has been absent from five consecutive meetings of the Board without the consent of the Chairman or good reason for such absence;
 - (c) is guilty of serious misconduct;
 - (d) is disqualified or suspended from practicing his profession in any part of the world by an order of competent authority; or
 - (e) is guilty of conflict of interest as stipulated under section 14 of this Bill (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 11 stands part of the Bill — Agreed to.

Clause 12: Appointment of Secretary of the Board.

There shall be appointed for the Board a Secretary who shall —

- (a) be the Director Legal Services and Legal Adviser of the Agency and a legal practitioner with not less than 12 years experience;
- (b) have power to conduct the correspondences and keep the records of the Board; and
- (c) perform such other functions as the Board or the Managing Director, may assign to him (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 12 stands part of the Bill — Agreed to.

Clause 13: Other staff of the Agency.

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

Question that Clause 13 stands part of the Bill — Agreed to.

Clause 14: Conflict of interest, insider dealing and confidentiality.

- (1) The members of the Board, the Managing Director, directors and employees of the Agency shall not control, manage or operate any aviation enterprise while in office.
- (2) Any of the persons specified in subsection (1), having a financial or other interest in any aviation enterprise shall make full disclosure of such interest to their respective appointing authorities.
- (3) Any of the persons mentioned in subsection (1) is prohibited from participating in any action or decision that may, whether directly or indirectly affect their financial interest in any aviation enterprise.
- (4) A member of the Board, the Managing Director or any other officer or employee of the Agency shall —
 - (a) not for his personal gain, make use of any information which has

come to his knowledge in the exercise of his powers or is obtained by him in the ordinary course of his duty as a member of the Board, the Managing Director, officer or employee of the Agency;

- (b) treat as confidential any information which has come to his knowledge in the exercise of his powers or is obtained by him in the discharge of his duties under this Bill; and
 - (c) not disclose any information referred to under paragraphs (a) and (b), except when required to do so by a court of competent jurisdiction or in such other circumstances as may be prescribed by the Board.
- (5) Any person who contravenes the provisions of subsection (4), commits an offence and is liable on conviction to a fine of at least ₦200,000 or imprisonment for a term of at least six months or both (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 14 stands part of the Bill — Agreed to.

Clause 15: Service in the Agency to be pensionable.

- (1) Service in the Agency shall be the approved service for the purposes of the Pension Reform Act.
- (2) Officers and other persons employed in the Agency shall be entitled to pensions, severance and other retirement benefits, as are enjoyed by persons holding equivalent grades in the civil service of the Federation.
- (3) Nothing in subsections (1) and (2) shall prevent the appointment of a person to any office on terms which preclude the grant of pension and severance package in respect of that office.
- (4) For the purpose of the application of the provisions of the Pension Reform Act, any power exercisable under the Act by the Minister or other authority of the Government of the Federation, other than the power to make regulations is vested in and shall be exercisable by the Board and not by any other person or authority (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 15 stands part of the Bill — Agreed to.

Clause 16: Appointment of experts.

In exercising and performing the powers, functions and duties conferred on it under this Bill, the Agency may appoint, contract, liaise or co-operate with experts, including specialised agencies, academic or technical institutes in order to assist it in carrying out its functions (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 16 stands part of the Bill — Agreed to.

Clause 17: Delegation of powers.

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

- (a) Air Traffic Services;

- (b) Safety, Electronics and Engineering Services;
 - (c) Finance and Accounts;
 - (d) Human Resources and Administration;
 - (e) Legal and Compliance Services;
 - (f) Administration; or
 - (g) any other Directorate as may be established by the Agency.
- (2) Notwithstanding the provisions of subsection (1), the Agency shall with the approval of Board have the powers to —
- (a) set up special units, technical committee, working groups and task forces to assist the Agency in the performance of its duties and functions under this Bill; and
 - (b) make changes to its structure, including the review or merging of Directorates (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 17 stands part of the Bill — Agreed to.

PART V — FINANCIAL PROVISIONS

Clause 18: Fund of the Agency.

- (1) There shall be established and maintained by the Agency, a fund into which shall be paid and credited —
- (a) all subventions and budgetary allocations from the Government of the Federation;
 - (b) all fees and funds accruing from —
 - (i) over flight and enroute international charges,
 - (ii) domestic enroute charges,
 - (iii) charges on Class B messages,
 - (iv) 23% of the air ticket sales charges,
 - (v) 23% of the cargo sales charges,
 - (vi) 23% of charter sales charges,
 - (vii) terminal navigation charges,
 - (viii) sales of information,
 - (ix) violation of airspace fines,
 - (x) rentage of property, plant and equipment,
 - (xi) calibration fees,

- (xii) obstacle evaluation fees,
 - (xiii) telecommunications services,
 - (xiv) provision of air traffic services at private and state aerodromes,
 - (xv) hajj or pilgrimage operations,
 - (xvi) cartographic survey and cartography charges,
 - (xvii) aerial operations charges,
 - (xviii) consultancy services, and
 - (xix) sales, rents or lease of landed properties;
- (c) sums accruing to the Agency by way of gifts, endowments, bequests, grants or other contributions by persons and organisations;
 - (d) return on investments;
 - (e) domestic and foreign aids and assistance;
 - (f) any other fund that may be approved for the development of civil aviation in Nigeria; and
 - (g) other sums which may accrue to the Agency.
- (2) The owner and operator of an aircraft or aerodrome shall jointly and severally be liable for any charges for air navigational services rendered by the Agency in respect of their aircraft or aerodrome.
- (3) The Agency may impose charges or fees which may be reviewed for services provided by the Agency under this Bill.
- (4) Charges and fees payable in respect of the services performed by the Agency shall be paid within 30 days from the commencement of the service and if the charges or fees are not paid within the period specified, the Agency may apply a 6% compound interest on the amount of charges or fees until the time the charges or fees are paid or a security satisfactory to the Agency has been posted as evidence of payment of the charges or fees (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 18 stands part of the Bill — Agreed to.

Clause 19: Duty to be financially prudent.

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

Question that Clause 19 stands part of the Bill — Agreed to.

Clause 20: Collection of unpaid or overdue charges.

- (1) The Agency may suspend the provision of service to any aircraft or aerodrome operator who fails to pay overdue charges until payment of such amount is made or bond or any other security satisfactory to the Agency for the amount due is deposited with the Agency.
- (2) In addition to any other remedy provided for in this Bill or guidelines made under this Bill in relation to collection of unpaid and overdue charges imposed by the Agency for air navigation services, whether or not a judgment for the collection of the charges has been obtained, the Agency may apply to the Federal High Court, for an order authorising the Agency to seize and detain any aircraft belonging to the defaulting operator until the charges are paid or a bond or collateral security acceptable to the Agency is provided for the unpaid and overdue amount.
- (3) An application for an order under subsection (2), may be made *ex-parte* if the Court has reason to believe that the person liable to pay the charges is about to leave Nigeria, or remove from Nigeria any aircraft owned or operated by him.
- (4) The Agency may release from detention, an aircraft seized and detained under this section, where —
 - (a) the amount in respect of which the seizure is made has been paid; or
 - (b) a bond or other security in a way that is satisfactory to the Agency for the amount in respect of which the seizure was made is discharged.
- (5) Any person who collects and fails to remit to the Agency any money due to the Agency under this Bill commits an offence is liable on conviction to a fine of ₦5,000,000 or imprisonment for a term of two years or both, in addition to the refund of total money unremitted (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 20 stands part of the Bill — Agreed to.

Clause 21: Expenditure of the Agency.

The Agency may apply the proceeds of the Fund established under section 18 of this Bill —

- (a) to pay overhead allowances, benefits and other administrative costs of the Agency;
- (b) for the reimbursement of members of the Board or any committee set up by the Board or the Agency for such expenses as may be authorised in accordance with the rates approved by the Government of the Federation;
- (c) for the payment of salaries, fees and other remunerations or allowances, payable to members of the Board, employees, experts or professionals appointed by the Agency;
- (d) to publicise and promote the activities of the Agency;

- (e) for the maintenance of any property acquired or vested in the Agency; and
- (f) to undertake any other activity or matter connected with all or any of the functions of the Agency under this Bill (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 21 stands part of the Bill — Agreed to.

Clause 22: Power to accept gifts.

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

Question that Clause 22 stands part of the Bill — Agreed to.

Clause 23: Annual reports.

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

Question that Clause 23 stands part of the Bill — Agreed to.

Clause 24: Annual estimates and expenditure.

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

Question that Clause 24 stands part of the Bill — Agreed to.

Clause 25: Power to borrow.

- (1) The Agency may obtain loan in form of an overdraft or otherwise, such sums as it may require for the performance of its functions under this Bill.
- (2) * The Agency shall not without the approval of the President borrow money which exceeds at any time the limit set by the Government of the Federation.

- (3) Notwithstanding the provisions of subsection (1), where the sum to be borrowed is in foreign currency, the Agency shall not borrow the sum without the prior approval of the President (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 25 stands part of the Bill — Agreed to.

Clause 26: Power to invest funds.

- (1) The Agency may invest any of its funds in securities or any other profit yielding investment as may be approved by the Board.
- (2) The Agency may, subject to the provisions of this Bill, invest any of its funds as may be financially prudent and maintain a general reserve (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 26 stands part of the Bill — Agreed to.

Clause 27: Exemption from tax.

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

Question that Clause 27 stands part of the Bill — Agreed to.

PART VI — POWER TO OBTAIN INFORMATION

Clause 28: Power to obtain information.

- (1) For the purpose of obtaining relevant information for the proper discharge of the functions conferred upon it under this Bill, any authorised officer of the Agency may by notice in writing —
- (a) require any person who undertakes the business of carrying passengers or cargo in an aircraft for reward, to furnish him with such information relating to such flights or class of flights, at the beginning or at the end of the same point or at different points;
- (b) as may be specified in the notice, furnish the Agency with such information relating to the flight plan, instrument carried on the aircraft and any other information required for the safe landing within and exit of any aircrafts from the Nigerian airspace; and
- (c) specify the times at which, the form and manner in which, any information required under paragraph (a) or (b) shall be made.
- (2) For the purposes of this section, "authorised officer" means the Managing Director or any other officer of the Agency specifically or generally authorised by the Managing Director to carry out the functions of an authorised officer under this section (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 28 stands part of the Bill — Agreed to.

Clause 29: Penalties for refusal to give information.

- (1) A person or entity who fails to give information as required under section 28 of this Bill, commits an offence and is liable on conviction —
- (a) in the case of an individual, to a fine of at least ₦200,000 or imprisonment for a term of six months or both; and
 - (b) in the case of an entity or body corporate, to a fine of at least ₦500,000.
- (2) A person or entity who knowingly makes a false statement to any particulars given pursuant to a request made by the Agency under section 28 of this Bill, commits an offence and is liable on conviction —
- (a) in the case of an individual, to a fine of at least ₦200,000 or imprisonment for a term of six months or both; and
 - (b) in the case of an entity or body corporate, a fine of at least ₦500,000 (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 29 stands part of the Bill — Agreed to.

Clause 30: Restriction on disclosure of information.

- (1) The estimates, returns or information relating to an air transport undertaking to obtain the foregoing provisions of this Bill shall not, without prior consent of the person carrying on the undertaking, which is the subject of the estimate, returns or information, be disclosed except —
- (a) in accordance with directions given by the Agency, for the purpose of exercising any of its functions under this Bill; or
 - (b) for the purpose of any proceedings for which an offence under this Bill or any report of those proceedings is required.
- (2) Any person who discloses any estimates, returns or any information in contravention of the provisions of this section, commits an offence and is liable on conviction to a fine of at least ₦200,000 or imprisonment for a term of at least six months or both (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 30 stands part of the Bill — Agreed to.

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

- (1) The Agency may through its authorised officers or agents, enter any land for the purposes of —
- (a) performing its functions under this Bill;
 - (b) inspecting and examining lands, buildings and equipment of any air carrier;
 - (c) inspecting or examining accounts, records and memoranda required to be kept by air carriers; or

- (d) cutting and removal of trees, underwood or structures that may interfere with survey and any installation which constitute a hazard to safety of air navigation.
- (2) The Agency shall, where practicable, serve on the occupier of any land which it intends to enter under subsection (1), a notice which shall be in writing, giving a description of the work intended to be carried out on the land.
- (3) In the performance of its function under subsection (), the officers or agents of the Agency may remain on any of such land for a reasonable time as to enable them execute and do all such work as may be necessary (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 31 stands part of the Bill — Agreed to.

Clause 32: Compensation for damages.

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

Question that Clause 32 stands part of the Bill — Agreed to.

Clause 33: Grant of aircraft flight clearance.

- (1) The Agency may on application made to it by an airline or airline handling agent, grant an aircraft flight clearance to —
- (a) operate scheduled flight within the Nigerian airspace;
- (b) operate non-scheduled flights within the Nigerian Airspace; or
- (c) overfly the Nigerian airspace.
- (2) Any person who operates an aircraft without flight clearance commits an offence under this Bill and is liable on conviction —
- (a) in the case of a body corporate, to a fine of at least ₦3,000,000; and
- (b) in the case of an individual, to a fine of at least ₦1,000,000 (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 33 stands part of the Bill — Agreed to.

Clause 34: Conditions for the grant of aircraft flight clearance.

The Agency shall by guideline published in the Aeronautical Information Publication (AIP), Aeronautical Information Circular (AIC) or Federal Government Gazette prescribe the terms and conditions for granting aircraft flight clearance (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 34 stands part of the Bill — Agreed to.

PART VII — AIR TRAFFIC INCIDENT INVESTIGATION REPORT

Clause 35: Air traffic incident investigation.

- (1) The Agency shall investigate air traffic incidents and provide report to appropriate government agencies.
- (2) The reports provided under subsection (1) shall provide remedial or corrective measures (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 35 stands part of the Bill — Agreed to.

Clause 36: Air traffic incident investigation report not admissible in evidence.

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

Question that Clause 36 stands part of the Bill — Agreed to.

PART VIII — PROVISIONS RELATING TO THE ACQUISITION OF LAND

Clause 37: Power to acquire land.

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

- (a) containing measurement of the boundaries of the land,
- (b) showing the relationship of the land to any sufficient identifying mark, and-
- (c) signed by the Surveyor-General,

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

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

Question that Clause 37 stands part of the Bill — Agreed to.

Clause 38: Establishment of estate scheme.

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

Question that Clause 38 stands part of the Bill — Agreed to.

Clause 39: Calibration of navigational aids and equipment.

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

Question that Clause 39 stands part of the Bill — Agreed to.

PART IX — LEGAL PROCEEDINGS

Clause 40: Service of notice.

- (1) Any notice required or authorised under this Bill, shall be served either by —
 - (a) delivering it to the person or his agents or servant;
 - (b) leaving it at the person's proper address; or
 - (c) posting it to the person's principal office through registered post or courier and addressed to the person at his principal office.

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

Question that Clause 40 stands part of the Bill — Agreed to.

Clause 41: Service of documents.

A notice, summons or other documents required or authorised to be served on the Agency under the provisions of this Bill or any other law, may be served by delivering it to the office of the Managing Director situate at the headquarters of the Agency (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 41 stands part of the Bill — Agreed to.

Clause 42: Limitation of suits against the Agency.

- (1) Subject to the provisions of this Bill, the provisions of the Public Officers Protection Act, shall apply in relation to any suit instituted against any officer or employee of the Agency.
- (2) Notwithstanding anything contained in any other law, no suit shall lie or be instituted in any court against the Agency, any member of the Board, the Managing Director or any other officer or employee of the Agency for an act done in pursuance or execution of this Bill or any law, or any public duty or authority or in respect of any alleged neglect or default in the execution of this Bill or such law, duty or authority, unless —
 - (a) it is commenced within three months after the act, neglect or default complained of; or
 - (b) in the case of a continuation of damage or injury, within six months next after the ceasing of it.
- (3) A suit shall not be commenced against the Agency, a member of the Board, the Managing Director, officer or employee of the Agency within the expiration of a period of one month after which the suit may be commenced if the plaintiff or his agent commences the suit have been served upon the Agency by the plaintiff or his agent.

- (4) The notice referred to in subsection (3) 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 which he claims (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 42 stands part of the Bill — Agreed to.

Clause 43: Restriction on execution of an order against the property of the Agency.

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

Question that Clause 43 stands part of the Bill — Agreed to.

Clause 44: Arrest of employee of the Agency on essential duty.

- (1) An employee of the Agency shall not be arrested while on essential duty.
- (2) Notwithstanding the provisions of subsection (1), where such arrest is unavoidable and might result in danger to life or goods or safety of airspace in the execution of a warrant or otherwise during the performance of his lawful duty —
 - (a) the head of department in which the person to be arrested is employed, or
 - (b) the officer in charge of the person to be arrested,

shall be given a reasonable time within which to make provision for the replacement of the officer to be arrested before he is released to the person carrying out the arrest (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 44 stands part of the Bill — Agreed to.

Clause 45:**Indemnity of officers.**

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

- (a) is brought against him in his personal capacity as a member of the Board, the Managing Director, officer and other employee of the Agency; and
- (b) arose from the lawful performance of any of his functions or in the exercise of any of the powers conferred on the Agency under this Bill (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 45 stands part of the Bill — Agreed to.

PART X — OFFENCES AND PENALTIES

Clause 46:**Obstruction of services.**

- (1) A person, entity or group of persons shall not obstruct or hinder the provision of civil air navigation services to a flight.
- (2) Any person or group of persons who contravenes the provisions of subsection (1) commits an offence and is liable on conviction —
 - (a) in the case of an individual, to a fine of at least ₦200,000 or imprisonment for a term of six months or both; and
 - (b) in the case of an entity, body corporate or group of persons, to a fine of at least ₦500,000.
- (3) Where any person or an entity violates any of the provisions of this section, such person or entity shall during the subsistence of the offence be liable to a fine for each day or part of the day the offence continues to —
 - (a) ₦100,000 in the case of a corporation;
 - (b) ₦50,000 in the case of a person acting in the capacity of an officer or representative of the Agency or where the offence was committed; and
 - (c) ₦25,000 in any other case (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 46 stands part of the Bill — Agreed to.

Clause 47:**Damage or theft of air navigation equipment or facilities.**

- (1) Any person who destroys, vandalises or damages air navigation equipment or facilities, is liable to —
 - (a) pay compensation to the Agency for the value of the equipment or facility destroyed, damaged or vandalised; or
 - (b) replace or repair the damaged equipment or facility, as the Agency may determine.

- (2) Any person who steals or causes to be stolen any air navigation equipment or facility commits an offence and is liable on conviction to a fine of at least ₦1,000,000 or imprisonment for a term of at least one year or to both.
- (3) Any person who willfully disrupts air navigation services in such manner that is likely to interfere with software, communication or the signals transmitted to aircrafts commits an offence and is liable on conviction to a fine of at least ₦10,000,000 or imprisonment for a term of at least five years or both (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 47 stands part of the Bill — Agreed to.

Clause 48: Offences by a body corporate or unincorporated body.

- (1) Where an offence under this Bill is committed by a body corporate, a firm or association of individuals; every —
- (a) director, manager, secretary or other similar officers of the body corporate;
- (b) partner or officer of the firm;
- (c) person concerned in the management of the affairs of the association; or
- (d) person who was purporting to act in any of such capacity, who had knowledge or believed to have had knowledge of the offence and who did not exercise due diligence to ensure compliance with this Bill,

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

- (2) A person who commits an offence under subsection (1) is liable on conviction —
- (a) in the case of an individual, to a fine of at least ₦500,000 or imprisonment for a term of six months or both; and
- (b) in the case of a corporate body, to a fine of at least ₦2,000,000 (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 48 stands part of the Bill — Agreed to.

Clause 49: Prevention of further violation of the provisions of this Bill.

Where the Agency is satisfied that a person is violating or is about to violate any provision of this Bill, the Agency may take action which in the opinion of the Agency is necessary to prevent further violation of any of the provisions of this Bill (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 49 stands part of the Bill — Agreed to.

PART XI — JURISDICTION

Clause 50: Jurisdiction.

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

Question that Clause 50 stands part of the Bill — Agreed to.

PART XII — MISCELLANEOUS PROVISIONS

Clause 51: Power of Minister to give directives.

- (1) The Minister may give directives of a general character with regards to the performance or exercise by the Agency or Board of its functions or powers under this Bill and it shall be the duty of the Agency or Board to comply with the directives.
- (2) The general directives referred to in subsection (1) shall relate to matters of policy and shall be consistent with the provisions of this Bill and shall be in —
 - (a) the interest of national security;
 - (b) relation to any matter that appears to the Minister that it may likely affect the relations of Nigeria with a country or territory outside Nigeria;
 - (c) order to discharge or facilitate the discharge of any obligation binding on Nigeria by virtue of its being a member of an international organisation or a party to an international agreement;
 - (d) order to obtain or facilitate the attainment of any object, which in his opinion is considered as appropriate in view of Nigeria's being a member of an international organisation or a party to an international agreement; or
 - (e) order to enable Nigeria become a member of an international organisation or a party to an international agreement.
- (3) The Agency in the performance of its functions and exercise of its powers under this Bill shall be guided by the directions (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 51 stands part of the Bill — Agreed to.

Clause 52: Designation of essential services.

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

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

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

"refusal to continue to work" includes a refusal to work at usual speed or with usual efficiency (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 52 stands part of the Bill — Agreed to.

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

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

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

Question that Clause 53 stands part of the Bill — Agreed to.

Clause 54: Repeal and saving provisions.

- (1) The Nigerian Airspace Management Agency Act, Cap. N90, Laws of the Federation of Nigeria, 2004, is repealed.
- (2) Without prejudice to section 6 of the Interpretation Act, the repeal of the Act specified in subsection (1), shall not affect anything done under the repealed Act.
- (3) Every regulation, order, requirement, contract, certificate, notice, direction,

decision, authorisation, consent, application, ongoing cases in the courts, request or thing made, issued, given or done under the repealed Act shall, if in force at the commencement of this Bill, continue to be in force and have effect as if made, issued, given or done under the corresponding provisions of this Bill.

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

Question that Clause 54 stands part of the Bill — Agreed to.

Clause 55: Transitional provisions.

- (1) Subject to the provisions of this Bill, the Managing Director of the Agency established under the repealed Act is deemed to have been transferred to the Agency established under this Bill under the same terms and conditions as Managing Director.
- (2) Any person who immediately before the commencement of this Bill was a staff of the Agency established under the repealed Act shall continue in office and be deemed to have been appointed under this Bill for purpose of pension.
- (3) Any proceeding or cause of action pending or existing immediately before the commencement of this Bill by or against the Agency established under the repealed Act in respect of any right, interest, obligation or liability of the Agency may be continued or commenced, as the case may be, and any determination of a court of law, tribunal or other commission or person may be enforced by or against the Agency established by this Bill to the same extent that such proceeding, cause of action or determination might have been continued, commenced or enforced by or against the Agency established under the repealed Act.
- (4) As from the commencement of this Bill, any disciplinary proceeding pending or existing against any employee of the Agency shall be continued and completed by the Agency established under this Bill.
- (5) All rights, liabilities, assets, funds, resources and other movable or immovable property which immediately before the commencement of this Bill, were vested in the former Agency established under the repealed Act,

shall by virtue of this Bill, and without further assurance be vested in the Agency established under section 3 of this Bill (Hon. Alhassan Ado Garba — House Leader).

Question that Clause 55 stands part of the Bill — Agreed to.

Clause 56: Interpretation.

(1) In this Bill —

"aerodrome" means a defined area of land or water including any buildings, installations and equipment intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft (Hon. Alhassan Ado Garba — House Leader).

Question that the meaning of the word "aerodrome" be as defined in the interpretation to this Bill — Agreed to.

"Agency" means the Nigerian Airspace Management Agency established by section 3 of this Bill (Hon. Alhassan Ado Garba — House Leader).

Question that the meaning of the word "Agency" be as defined in the interpretation to this Bill — Agreed to.

"airport" means a defined area on land or water including any building, installation and equipment intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft (Hon. Alhassan Ado Garba — House Leader).

Question that the meaning of the word "airport" be as defined in the interpretation to this Bill — Agreed to.

"air navigation services" includes air traffic control services, aeronautical communication, telecommunication, navigational aids, surveillance services, calibration, aeronautical information services, flight information services, signals and other facilities furnished, issued or provided in connection with the navigation or movement of aircraft and the control of movement of vehicles in any part of an airport used for the movement of an aircraft (Hon. Alhassan Ado Garba — House Leader).

Question that the meaning of the words "air navigation services" be as defined in the interpretation to this Bill — Agreed to.

"Board" means the Governing Board of the Agency as established and constituted under section 4 of this Bill (Hon. Alhassan Ado Garba — House Leader).

Question that the meaning of the word "Board" be as defined in the interpretation to this Bill — Agreed to.

"cargo" includes mail (Hon. Alhassan Ado Garba — House Leader).

Question that the meaning of the word "cargo" be as defined in the interpretation to this Bill — Agreed to.

"essential duties" are the job duties that are fundamental to the operations of the Agency and in some cases are highly specialised as prescribed under section 52 of this Bill, and —

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

Question that the meaning of the words "essential duties" be as defined in the interpretation to this Bill — Agreed to.

"flight" means a journey by air beginning when the first person boards the aircraft in question with intent to fly and ending when the last person disembarks (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the word "flight" be as defined in the interpretation to this Bill — Agreed to.

"Managing Director" means the Managing Director appointed under section 11 of this Bill (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the words "Managing Director" be as defined in the interpretation to this Bill — Agreed to.

"member" means a member of Board and includes the Chairman and Managing Director (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the word "member" be as defined in the interpretation to this Bill — Agreed to.

"Minister" means the Minister charged with responsibility for matters relating to Aviation (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the word "Minister" be as defined in the interpretation to this Bill — Agreed to.

"Ministry" means the Ministry charged with responsibility for matters relating to Aviation (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the word "Ministry" be as defined in the interpretation to this Bill — Agreed to.

"operator" or "air carrier" in relation to an aircraft means the person for the time being having the management of the aircraft (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the words "operator" or "air carrier" be as defined in the interpretation to this Bill — Agreed to.

"owner" in respect of section 18 (2) of this Bill includes —

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

Question that the meaning of the word "owner" be as defined in the interpretation to this Bill — Agreed to.

"power" includes functions and duties (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the word "power" be as defined in the interpretation to this Bill — Agreed to.

"premises" includes lands, plants and ancillary works (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the word "premises" be as defined in the interpretation to this Bill — Agreed to.

"President" means the President of the Federal Republic of Nigeria (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the word "President" be as defined in the interpretation to this Bill — Agreed to.

"reward" in relation to a flight, includes any form of consideration received or required to be received, wholly or partly in connection with the flight irrespective of the person whom or to whom the consideration has been or is to be given; and (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the word "reward" be as defined in the interpretation to this Bill — Agreed to.

"Regulations" means the Civil Aviation Regulations made under the Civil Aviation Act (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the word "Regulations" be as defined in the interpretation to this Bill — Agreed to.

- (2) Every other term shall have the same meaning as contained in the Convention on International Civil Aviation, 1944 (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 56 stands part of the Bill — Agreed to.

Clause 57: Citation.

This Bill may be cited as the Nigerian Airspace Management Agency (Establishment) Bill, 2022 (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 57 stands part of the Bill — Agreed to.

SCHEDULE

Section 4 (6)

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD*Proceedings of the Board*

1. Subject to this Bill and section 27 of the Interpretation Act, Cap. I23, Laws of the Federation of Nigeria, 2004, the Board shall have power to regulate its proceedings and may make standing orders with respect to the holding of its meetings, and those of its committees, notices to be given, the keeping of minutes of its proceedings, the custody and production for inspection of such minutes and such other matters as the Board may determine.
2. There shall be at least one ordinary meeting of the Board in each quarter of the year and subject to it, the Board shall meet whenever it is convened by the Chairman, and if the Chairman is requested to do so by notice given to him by not less than four other members, he shall convene a meeting of the Board to be held within 30 days from the date on which the notice was given.
3. Every meeting of the Board shall be presided over by the Chairman and where the Chairman is unable to attend a particular meeting, the members present at the meeting shall elect one of them to preside at the meeting.
4. The minutes of the Board shall be recorded by the Secretary and signed by the Chairman or the person who presided at the meeting, after confirmation by the Board.
5. A quorum at a meeting of the Board shall be one-third of the total number of members

Convening of Meetings of the Board

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

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

Committees

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

Seal of the Agency

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

Conflict of Interest

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

- (b) not vote on any question relating to the arrangement.

Miscellaneous

23. The validity of any proceeding of the Board or its committees shall not be affected by —
- (a) any vacancy in the membership of the Board or its committees;
 - (b) reason that a person not entitled to do so took part in the proceedings; or
 - (c) any defect in the appointment of a member.
24. A resolution of the Board is valid, even though it is not passed at a meeting of the Board, where —
- (a) the notice in writing of the proposed resolution was given to each member; and
 - (b) the resolution is signed or assented to by a majority of members of the Board, including the Managing Director (*Hon. Alhassan Ado Garba — House Leader*).

Question that the provisions of the Schedule stand part of the Bill — Agreed to.

Explanatory Memorandum:

This Bill repeals the Nigerian Airspace Management Agency Act, Cap. N90, Laws of the Federation of Nigeria, 2004 and enacts the Nigerian Airspace Management Agency Act, 2022 for the purposes of providing effective air navigation services, ensuring safety and regularity of air navigation in Nigeria and to any other place which Nigeria has responsibility of providing air navigation services (*Hon. Alhassan Ado Garba — House Leader*).

Agreed to.

Long Title:

A Bill for an Act to Repeal the Nigerian Airspace Management Agency Act, Cap. N90, Laws of the Federation of Nigeria, 2004 and Enact the Nigerian Airspace Management Agency Act, 2022 for the Purpose of Providing Effective Air Navigation Services in Nigeria, Ensuring Safety and Regularity of Air Navigation in Nigeria and to Any Other Place Which Nigeria has Responsibility of Providing Air Navigation Service; and for Related Matters (HB. 462) (*Hon. Alhassan Ado Garba — House Leader*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report on a Bill for an Act to Repeal the Nigerian Airspace Management Agency Act, Cap. N90, Laws of the Federation of Nigeria, 2004 and Enact the Nigerian Airspace Management Agency Bill to provide Efficient Air Navigation Services in Nigeria, Ensure Safety and Regulation of Air Navigation in Nigeria and to any other place which Nigeria has Responsibility of Providing Air Navigation Services; and for Related Matters (HB. 462) and approved Clauses 1- 57, the Schedule, the Explanatory Memorandum, and the Long Title of the Bill.

Question that the House do adopt the Report of the Committee of the Whole — Agreed to.

- (vii) *A Bill for an Act to Repeal the Small and Medium Scale Industries Development Agency Act, 2003 and Enact the Small and Medium Enterprises Development Agency of Nigeria (SMEDAN) Bill; and for Related Matters (HB.1995) (Committee of the Whole):*
Motion made and Question proposed, "That the House do consider the Report on a Bill for an Act to Repeal the Small and Medium Scale Industries Development Agency Act, 2003 and Enact the Small and Medium Enterprises Development Agency of Nigeria (SMEDAN) Bill; and for Related Matters (HB.1995)" (Hon. Peter Akpatason — Deputy House Leader).

Agreed to.

Question that the House do resolve into the Committee of the Whole to consider the Report — Agreed to.

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO REPEAL THE SMALL AND MEDIUM SCALE INDUSTRIES DEVELOPMENT AGENCY ACT, 2003 AND ENACT THE SMALL AND MEDIUM ENTERPRISES DEVELOPMENT AGENCY OF NIGERIA (SMEDAN); AND FOR RELATED MATTERS

PART I — OBJECTIVES AND APPLICATION

Clause 1: Objectives.

The objectives of this Bill are to —

- (a) establish the Small and Medium Enterprises Development Agency of Nigeria to regulate, oversee, coordinate, monitor and evaluate the developmental activities and operations of the nano, micro small and medium enterprises in Nigeria; and
- (b) provide a regulatory institution, institutional framework for rural industrialization, poverty alleviation and eradication, technology acquisition and adaptation, job creation and sustainable livelihood in Nigeria (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 1 stands part of the Bill — Agreed to.

PART II — ESTABLISHMENT OF SMALL AND MEDIUM ENTERPRISES DEVELOPMENT AGENCY OF NIGERIA

Clause 2: Establishment of Small and Medium Enterprises Development Agency of Nigeria.

- (1) There is established an agency to be known as the Small and Medium Scale Enterprises Development Agency of Nigeria (in this Bill referred to as "the Agency")
- (2) The Agency:
 - (a) shall be a body corporate with perpetual succession and a common seal; and
 - (b) may sue and be sued in its corporate name (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 2 stands part of the Bill — Agreed to.

Clause 3: Establishment of the Governing Board.

- (1) There is established for the Agency a Governing Board consisting of a Chairman and six other part-time Members to be appointed by the President.
- (2) The appointment of the seven part-time members shall be made from the 6 geo-political zones.
- (3) The following are *ex-officio* members of the Board —
 - (i) the Federal Ministry of Industry;
 - (ii) the Federal Ministry of Science and Technology
 - (iii) the National Planning Commission;
 - (iv) the Agricultural or Industrial Research Institutes;
 - (v) the Indigenous Fabricators and Manufacturers of Machinery;
 - (vi) the Federal Ministry of Finance;
 - (vii) the Development Banks for Small and Medium Scale;
 - (viii) the Bank of Industry;
 - (ix) the Manufacturers' Association of Nigeria;
 - (x) the National Association of Small-Scale Industries (NASSI); and
 - (xi) the Director-General of the Agency.
- (4) There shall be a Secretary to the Board who shall be appointed by the Board.
- (5) The Secretary shall be —
 - (i) a legal practitioner with not less than 10 years post-call experience; and
 - (ii) a chartered member of the Institute of Chartered Secretaries and Administrators of Nigeria (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 3 stands part of the Bill — Agreed to.

Clause 4: Supplementary Provisions.

The supplementary provisions set out in the Schedule to this Bill shall have effect with respect to the proceedings of the Board and other matters contained therein (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 4 stands part of the Bill — Agreed to.

Clause 5: Tenure of Board Member.

The Chairman and members of the Board, other than *ex-officio* members:

- (a) shall hold office for a period of 4 years on such terms and conditions as may be specified in their letter of appointment; and
- (b) may be re-appointed for another period of 4 years and no more (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 5 stands part of the Bill — Agreed to.

Clause 6: Cessation of a Member.

- (1) Notwithstanding the provisions of clause 4 of this Bill, a member may at any time be removed from office by the President for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misconduct.
- (2) A member of the Board may resign his appointment by a notice in writing under his hand, addressed to the President and that member shall, on the date of the receipt of the notice by the President, cease to be a member of the Board (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 6 stands part of the Bill — Agreed to.

Clause 7: Emolument and Allowances.

A member of the Board shall be paid such emoluments, allowances and benefit as the Minister may, with the approval of the President, from time to time, approve (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 7 stands part of the Bill — Agreed to.

Clause 8: Disclosure of Interest.

- (1) A member of the Board who is directly or indirectly interested in any matter being deliberated on by the Board or is interested in any contract made or proposed to be made by the Agency shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Board.
- (2) A disclosure under subclause (1) of this clause shall be recorded in the Minutes of Meetings of the Board and members concerned shall:
 - (a) not, after the disclosure, take part in any deliberation or decision of the Board; and
 - (b) be excluded for the purpose of constituting a quorum of any meeting of the Board for any deliberation or decision with regard to the subject matter in respect of which his interest is so disclosed (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 8 stands part of the Bill — Agreed to.

PART III — FUNCTIONS AND POWERS OF THE AGENCY

Clause 9: Functions of the Agency.

The Agency shall be responsible for:

- (a) initiating and articulating ideas for nano, micro, small and medium enterprises policy thrusts;

- (b) serving as a vanguard agency and focal point for rural industrialisation, poverty alleviation and eradication, technology acquisition and adaptation, job creation and sustainable livelihood;
- (c) promoting and facilitating development programmes, instruments and support services to accelerate development, modernization, networking and linkage of nano, micro, small and medium enterprises;
- (d) mobilising internal and external resources, including technical assistance for nano, micro, small and medium enterprises, their support institutions; trade associations, and non-governmental organization;
- (e) regulating, overseeing, co-ordinating and monitoring the development of the nano, micro, small and medium enterprises sub-sector in Nigeria;
- (f) designing, packaging and promoting cottage and nano, micro, small and medium industrial projects;
- (g) providing industrial extension services to nano, micro, small and medium enterprises, fabricators of machinery and beneficiaries of micro-credit loans;
- (h) establishing liaison between research institutes, local fabricators and nano, micro, small and medium enterprises;
- (i) linking nano, micro, small and medium industrialists to sources of finance, technology, technical skill development and management;
- (j) facilitating and promoting development of standard designs and quality assurance for machinery and equipment, and commercialising them to end-users;
- (k) promoting and providing access to industrial infrastructure, including estates and layouts, and incubators;
- (l) providing necessary assistance to nano, micro, small and medium enterprises in the marketing of their products;
- (m) promoting ancillarisation, sub-contracting, clustering and networking relationship;
- (n) providing and promoting strategic linkages within micro, small and medium scale enterprises; and between nano, micro, small and medium enterprises and large-scale industries;
- (o) establishing and co-ordinating the institutional development and activities of Industrial Development Centres in Nigeria;
- (p) collaborating with the Agricultural Research and Mechanisation Centres and Agro-industrial Schemes in Nigeria;
- (q) liaising with external agencies for support and development of nano, micro, small and medium enterprises in Nigeria;

- (r) listing products that nano, micro, small and medium enterprises have substantial internal capacities to manufacture to meet domestic market for Federal Government patronage and deletion or restriction on the schedule of importable goods;
- (s) promoting, accrediting and regulating the establishment and activities of business development centres including enterprise or business development service providers (BDSPs);
- (t) regulating, overseeing, coordinating, monitoring and evaluating developmental activities in the nano, micro, small and medium enterprises sub-sectors in Nigeria;
- (u) recommending to the Federal Government, from time to time, in consultation with other relevant agencies and organizations, on applicable tax and tariff regimes and other financial incentives for promoting the development of nano, micro, small and medium enterprises;
- (v) monitoring the implementation of and compliance with Federal Government directives, incentives and facilities for development of nano, micro, small and medium enterprises in order to promote government policies in or outside Nigeria;
- (w) carrying out such other activities connected with or incidental to the other functions of the Agency in order to promote government policies in or outside Nigeria; and
- (x) provision of and facilitating technical and managerial training to nano, micro, small and medium enterprises (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 9 stands part of the Bill — Agreed to.

Clause 10: Power of the Agency.

- (1) In pursuance of Clause 8 of this Bill, the Agency shall have power to:
 - (a) formulate policy and regulate the nano, micro, small and medium enterprises sector in Nigeria.
 - (b) set standards and ensure compliance for the promotion, development and advancement of MSMEs in Nigeria;
 - (c) demand and obtain relevant information, data and reports on activities relating to the promotion and development of nano, micro, small and medium enterprises from banks, research and development institutions and support organizations;
 - (d) enter into joint-venture, memorandum of understanding (MOU) and other agreements for the promotion and development of nano, micro, small and medium enterprises;
 - (e) establish a comprehensive database and information system on micro, small and medium scale enterprises development programmes and request from all nano, micro, small and medium enterprises such information it may require for the purpose of maintaining the database;

- (f) charge fees for the use of facilities and services provided by the Agency as considered appropriate;
 - (g) serve as a centre for the collection, reference and dissemination of information relating to nano, micro, small and medium enterprises; and
 - (h) identifying suitable areas in towns and cities where cluster can be formed and better managed, protected and monitored.
- (2) Where the Federal Government or any of its agencies undertake to publicly announce procurement, public construction or commissioning of research development work, the Agency shall have power to:
- (a) establish a system for the qualification and registration of nano, micro, small and medium enterprises wishing to serve as supplier or to bid for a tender; and
 - (b) do such other things as are necessary for the successful performance of its function under this Bill (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 10 stands part of the Bill — Agreed to.

PART IV — STAFF OF THE AGENCY

Clause 11: Appointment of the Director-General.

- (1) There shall be for the Agency, a Director-General who shall be appointed by the President.
- (2) The Director-General shall be the Chief Executive of the Agency and be responsible for the execution of the policy and the day-to-day administration of the Agency.
- (3) The Director-General shall hold office:
 - (a) for a term of five years in the first instance and may be re-appointed for a further term of five years and no more; and
 - (b) on such terms and conditions as may be specified in his letter of appointment (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 11 stands part of the Bill — Agreed to.

Clause 12: Other Staff of the Agency.

- (1) The Board shall appoint for the Agency, such officers and other employees as it may, from time to time deem necessary for the purpose of the Agency;
- (2) The terms and conditions of service (including remuneration, allowances, benefits and pensions) of officers and employees of the agency shall be as determined by the Board with the approval of the Minister (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 12 stands part of the Bill — Agreed to.

Clause 13: Pensions.

- (1) The service in the Agency shall be approved service for the purpose of the Pensions Act and accordingly, employees of the Agency shall be entitled to pensions, gratuities and other retirement benefits as are prescribed under the Pensions Act.
- (2) Notwithstanding the provisions of this Bill, nothing in this Bill shall prevent the appointment of a person to any office on terms which preclude the grant of a pension, gratuity or other retirement benefit in respect of that office.
- (3) For the purpose of the application of the provisions of the Pensions Act, any power exercisable by a Minister or other authority of the Federal Government, other than the power to make regulations under section 23 of the Pension Act, is hereby vested in and shall be exercisable by the Agency and not by any other person or authority (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 13 stands part of the Bill — Agreed to.

PART V — FINANCIAL PROVISIONS**Clause 14: Establishment of Fund.**

The Agency shall establish and maintain a fund into which shall be paid and credited:

- (a) the take-off grant from the Federal Government;
- (b) annual subvention from the Federal Government;
- (c) loans and grant-in-aid from national, bilateral and multilateral agencies;
- (d) rents, fees and other internally generated revenues from services provided by the Agency; and
- (e) all other sums accruing to the Agency, from time to time (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 14 stands part of the Bill — Agreed to.

Clause 15: Application of Proceeds.

The Agency may, from time to time, with the approval of the Board, apply the proceeds of the fund established in pursuance of clause 3 of this Bill:

- (a) to the cost of administration of the Agency;
- (b) to the paying of the emoluments, allowances and benefits of members of the Board and for reimbursing members of the Board or of any committee set up by the Board for such expenses as may be expressly authorized by the Board;
- (c) to the payment of the salaries, fees or other remuneration and benefits or allowances, gratuities and pensions, and other benefits payable to the officers and other employees of the Agency;
- (d) for the development and maintenance of any property vested in or owned by the Agency; and

- (e) for and in connection with all or any of its functions under this Bill or in such other securities as may, from time to time, be approved by the Minister (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 15 stands part of the Bill — Agreed to.

Clause 16: Income and Expenditure.

- (1) The Agency shall, not later than 31st August in each year, submit to the Minister an estimate of its expenditure and income (including payments to the Agency fund) for the next succeeding years.
- (2) The Agency shall keep proper records in relation to those accounts in respect of each year and shall cause its accounts to be audited within six months after the end of each year by auditor appointed from the list in accordance with guidelines supplied by the Auditor-General of the Federation (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 16 stands part of the Bill — Agreed to.

Clause 17: Annual Report.

The Agency shall prepare and submit to the Federal Executive Council, through the Minister, not later than six months after the end of each year report in such form as he may direct on the activities of the Agency during the immediate proceeding year, and shall include in such report a copy of the audited accounts of the Agency for that year and the auditor's report on the accounts (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 17 stands part of the Bill — Agreed to.

Clause 18: Gift.

- (1) The Agency may accept any gift of land, money or other property on such terms and conditions, if any, as may be specified by the person or organization making the gift.
- (2) The Agency shall not accept any gift if the conditions attached by the person or organization offering the gift are inconsistent with the functions of the Agency and the provisions of Independent Corrupt Practices and Allied Offences Commission Act, 2000 (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 18 stands part of the Bill — Agreed to.

Clause 19: Power to borrow.

- (1) The Agency may, from time to time, borrow by overdraft or otherwise such sums as it may require for the performance of its functions under this Bill.
- (2) The Agency shall not, without the approval of the Minister, borrow money which exceeds, at any time, the amount set by the Minister.
- (3) Notwithstanding subsection (1) of this clause, where the sum to be borrowed is in foreign currency, the Agency shall not borrow the sum without the prior approval of the Minister and in consultation with Central Bank of Nigeria (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 19 stands part of the Bill — Agreed to.

Clause 20: Investment.

The Agency may, subject to the provisions of this Bill and the conditions of any trust created in respect of any property, invest all or any of its funds in any security prescribed by the Trustee Investments Act or in such other securities as may, from time to time be approved by the Minister (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 20 stands part of the Bill — Agreed to.

Clause 21: Exemption.

- (1) The Agency shall be exempted from the payment of Income Tax on any income accruing from investment made by the Board for the Agency or otherwise.
- (2) The provisions of any enactment relating to the taxation of companies on trust fund shall not apply to Agency or the Board (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 21 stands part of the Bill — Agreed to.

PART VI — LEGAL PROCEEDINGS**Clause 22: Limitation of suits against the Agency.**

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

Question that Clause 22 stands part of the Bill — Agreed to.

Clause 23: Service of Summons, etc.

A notice, summons or other document required or authorised to be served on the Agency under the provisions of this Bill or any other enactment or law may be by

delivering it to the Director-General or at the principal office of the Agency (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 23 stands part of the Bill — Agreed to.

Clause 24: Notice of Intention to Enforce Execution.

- (1) In any action or suit against the Agency, no execution or attachment of process in the nature thereof shall be issued against the Agency unless not less than thirty days notice of the intention to execute or attach has been given to the
- (2) Any sum of money which by the judgment of any court has been awarded against the Agency shall, subject to any direction given by the court where notice of appeal against the judgment has been given, be paid from the fund of the Agency (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 24 stands part of the Bill — Agreed to.

Clause 25: Indemnity.

A member of the Board or the Director-General or any officer or employee of the Agency shall be indemnified out of the assets of the Agency against any liability incurred by him in defending any proceeding, whether civil or criminal, if the proceeding is brought against him in his capacity as a member, Director-General, officer or other employee of the Agency (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 25 stands part of the Bill — Agreed to.

Clause 26: Secrecy.

- (1) A member of the Board or the Director-General or any officer or employee of the Agency shall:
 - (a) not, for his personal gain, make use of any information, which has come to his knowledge in the exercise or is obtained by him in the ordinary course of his duty as a member of the Board or as the Director-General, officer or employee of the Agency:
 - (b) treat as confidential any information which has come to his knowledge in the exercise of his power or is obtained by him in the performance of his duties under this Bill.
 - (c) not disclose any information referred to under paragraph (b) of this subsection, except when required to do so by a court or in such other circumstances as may be prescribed by the Board, from time to time.
- (2) Any person who contravenes the provision of subclause (1) of this clause commits an offence and is liable on conviction to a fine of not less than, ₦150,000 or imprisonment for a term of 2 years or to both such fine and imprisonment (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 26 stands part of the Bill — Agreed to.

Clause 27: Directives.

The Minister may give to the Agency or the Director-General general nature or relating generally to matters of policy with directives of the exercis

of its or his functions as he may consider necessary and it shall be the duty of the Agency or the Director-General to comply with the directive or cause them to be complied with (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 27 stands part of the Bill — Agreed to.

Clause 28: Regulations.

The Agency may, with the approval of the Minister, make such regulations as in its opinion are necessary or expedient for giving full effect to the provisions of this Bill and for the due administration of its provisions (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 28 stands part of the Bill — Agreed to.

Clause 29: Repeal.

The Small and Medium Scale Industries Development Agency Act, No. 16, 2003, is hereby repealed (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 29 stands part of the Bill — Agreed to.

Clause 30: Interpretation.

In this Bill, —

"Agency" means the Small and Medium Scale Enterprises Development Agency of Nigeria established under clause 2 of this Bill (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the word "Agency" be as defined in the interpretation to this Bill — Agreed to.

"Board" means the governing Board established for the Agency under clause 3 of this Bill (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the word "Board" be as defined in the interpretation to this Bill — Agreed to.

"Minister" means the Minister charged with the responsibility for Industries as are defined by the National Council on Industry as Micro, Small and Medium Scale enterprises (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the word "Minister" be as defined in the interpretation to this Bill — Agreed to.

"President" means the president of the Federal Republic of Nigeria (*Hon. Alhassan Ado Garba — House Leader*).

Question that the meaning of the word "President" be as defined in the interpretation to this Bill — Agreed to.

Question that Clause 30 stands part of the Bill — Agreed to.

Clause 31: Short Title.

This Bill may be cited as the Small and Medium Scale Enterprises Development Agency of Nigeria (Establishment) Bill, 2022 (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 31 stands part of the Bill — Agreed to.

SCHEDULE

Section 4

SUPPLEMENTARY PROVISIONS RELATING TO BOARD, ETC.

Proceedings of Board

1. Subject to section 27 of the Interpretation Act (which provides for decisions of a statutory body to be taken by a majority of its members and for the person presiding at any meeting when a vote is ordered to have a second or casting vote), the Board may make standing orders regulating its proceedings or that of any of its committees.
2. At every meeting of the Board, the Chairman shall preside and in his absence the members present at the meeting shall appoint one of them to preside at the meeting.
3. The quorum at a meeting of the Board shall consist of the Chairman or, in appropriate case, the person presiding at the meeting pursuant to paragraph 2 of this Schedule and other members provided that at least one third of the total membership of the Board are present.
4. The Board shall for the purpose of this Bill, meet not less than three times in each year and the Board shall meet whenever it is summoned by the Chairman, and if required to do so, by notice given to him by not less than five other members, he shall summon a meeting of the Board to be held within 14 days from the date on which the notice is given.
5. Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him to the Board for such period as it thinks 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 a quorum.
6.
 - (1) Subject to its standing orders, the Board may appoint such number of standing and ad hoc committees as it thinks fit to consider and report on any matter with which the Agency is concerned.
 - (2) A committee appointed under this paragraph shall —
 - (a) consist of such number of persons (not necessarily members of the Board, as may be determined by the Board), and a person, other than a member of the Board, shall hold office on the committee in accordance with the terms of his appointment, and
 - (b) be presided over by a member of the Board.
 - (3) The quorum of any committee set up by the Board shall be as may be determined by the Board.
 - (4) A decision of a Committee of the Board shall be of no effect until it is confirmed by the Board.
7. The fixing of the seal of the Agency shall be authorised by the signature of the Chairman or any other person generally or specifically authorised by the Board to act for that purpose and that of the Director-General.
8. Any contract or instrument which, if made 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 Agency by the Director-General or by any other person generally authorised by the to act for that purpose.
9. Any document purporting to be a contract, instrument or other document duly signed or sealed on behalf of the Agency shall be received in evidence and shall, unless the contrary is proved, be presumed without further proof to have been so signed or sealed.
 10. The validity of the membership of the Board or of any of its Committees shall not be affected by —
 - (a) any vacancy in the membership of the Board, or committee; or
 - (b) any defect in the appointment of a member of the Board or committee; or
 - (c) reason that any person not entitled to do so took part in the proceedings of the Board or committee.
 11. (1) A member of a committee who has a personal interest in any contract or arrangement entered into or proposed to be considered by the committee shall forthwith disclose his interest to the committee and shall not vote on any question relating to the contract or arrangement.
 - (2) No member of the Board shall be personally liable for any act or omission done or made in good faith while engaged in the business of the Agency (*Hon. Alhassan Ado Garba — House Leader*).

Question that the provisions of the Schedule stand part of the Bill — Agreed to.

Explanatory Memorandum:

This Bill seek to repeal the Small and Medium Scale Industries Development Agency Act, 2003 (as amended) and establish the Small and Medium Enterprises Development Agency of Nigeria to be charged with the responsibility for regulating, overseeing, promoting and facilitating the development of the Nano, Micro, Small and Medium Enterprises sub-sectors.

By establishing the Agency, the Bill further enhances and supports services to accelerate rural development, poverty alleviation and eradication (*Hon. Alhassan Ado Garba — House Leader*).

Agreed to.

Long Title:

A Bill for an Act to Repeal the Small and Medium Scale Industries Development Agency Act, 2003 and Enact the Small and Medium Enterprises Development Agency of Nigeria (SMEDAN); and for Related Matters (HB.1995) (*Hon. Alhassan Ado Garba — House Leader*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report on a Bill for an Act to Repeal the Small and Medium Scale Industries Development Agency Act, 2003 and Enact the Small and Medium Enterprises Development Agency of Nigeria (SMEDAN) Bill; and for Related Matters HB.1995) and approved Clauses 1- 31, the Schedule, the Explanatory Memorandum, and the Long Title of the Bill.

Question that the House do adopt the Report of the Committee of the Whole — Agreed to.

(viii) **Report of the Conference Committee on the Federal Colleges of Education (Repeal and Enactment) Bill:**

Motion made and Question proposed, "That the House do consider the Report of the Conference Committee on a Bill for an Act to Repeal Colleges of Education Act, and Enact Federal Colleges of Education Bill; and for Related Matters" (Hon. Peter Akpatason — Deputy House Leader).

Agreed to.

Question that the House do resolve into the Committee of the Whole to consider the Report — Agreed to.

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

**CONFERENCE REPORT ON A BILL FOR AN ACT TO REPEAL THE
FEDERAL COLLEGES OF EDUCATION ACT, 1986, AND TO RE-ENACT
FEDERAL COLLEGES OF EDUCATION AND FOR RELATED MATTERS**

Clause 1: Establishment of Federal Colleges of Education and Legal Status of the Colleges.

- (1) There are hereby established, the Federal Colleges of Education, specified in Schedule 1 to this Bill (hereinafter referred to as "Colleges"), which shall have such powers and exercise such functions as are conferred on them by this Bill.
- (2) Each College shall:
 - (a) be a body corporate with perpetual succession and a common seal;
 - (b) have power to acquire and dispose of interests in movable and immovable property; and
 - (c) may sue or be sued in its corporate name (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 1 stands part of the Bill — Agreed to.

Clause 2: Objectives.

The objectives of the review of the Federal Colleges of Education Establishment Act, which emanated from a 1986 Decree, includes the following, among others:

- (i) to update the Principal Act, which was enacted through a decree in 1986 to meet current realities;
- (ii) to place the Colleges identity in their respective states as the creation of states have consequently placed most of the FCEs in different states other than their States of origin due to boundary adjustments/delineation. For example, whereas the Principal Act indicates the initial location of some FCEs at the time of their establishment like, FCE, Gombe, reads "FCE (T), Gombe, Bauchi State" instead of Gombe State", "FCE, Okene reads FCE, Okene, Kwara State" instead of Kogi State; and many others with similar as a result of the creation of new States from the states they were carved out from;

- (iii) to provide legal basis for service-delivery of the COEs to the Nigerian public. The seal of the Colleges have transcended the mandate of NCE alone at inception as envisioned in the current Act. This is because, presently, some Colleges offer Diplomas, Degrees and other programmes in addition to the known traditional NCE Programmes;
- (iv) to provide additional avenue and open more space for ease of access to tertiary education and support in terms of evacuation of the ever-increasing number of youths seeking degree education each year which the universities alone cannot accommodate all the candidates. This is more so as all the twenty-one old COEs are in one form of affiliation with chosen universities or another for degree programmes in education, for decades.

The review of the Act would provide the needed autonomy to the colleges to do so. This would further enhance the number of candidates being admitted in ensuring quality teacher-education degree programmes (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 2 stands part of the Bill — Agreed to.

Clause 3: Functions of each College.

The functions of each College shall be:

- (a) to provide full-time and part-time courses in teaching, instruction and training in:
 - (i) Technology, Sciences/Applied Sciences, Commerce, Arts, Social Sciences, Humanities and management; and
 - (ii) such other fields of applied learning, relevant to the needs of the development of Nigeria, in the areas of Industrial and Agricultural production and distribution, and for research in the development and adaptation techniques, as the Council may, from time to time, determine;
- (b) to conduct research in fields of learning and courses in Education, to qualified teachers;
- (c) to conduct Research; Conferences, Seminars, Inaugural Lectures, Workshops and Consultancy Services, relative to the field of learning, specified in subsection (a) (i) - (ii) of this section; and
- (d) to perform such other functions, which in the opinion of the Council, in consultation with the Academic Board, may serve to promote the objectives of the College (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 3 stands part of the Bill — Agreed to.

Clause 4: Governing Structure of each College and Visitor to the College.

- (1) The Governing Structure of each College shall consist of the following:
 - (a) Governing Council;
 - (b) Management Committee;
 - (c) Academic Board;

- (d) School Board; and
- (e) Departmental Board.
- (2) (i) The President, Federal Republic of Nigeria shall be the Visitor to Colleges.
- (ii) The Visitor shall, not less than once in every five years, conduct a visitation of the college or appoint a Visitation Panel, consisting of not less than five experts, to conduct the visit:
 - (a) for the purpose of evaluating the Academic and Administrative Performance of the College;
 - (b) for such other purpose or in respect of any other affairs of the College, as the Visitor may deem fit.
- (3) The provisions set out in the Second Schedule to this Bill, shall apply in relation to the Council Governing structure and other matters specified in the Schedule (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 4 stands part of the Bill — Agreed to.

Clause 5: Governing Council of each College.

- (1) The governance of each College and the direction of its affairs shall vest in the Governing Council of the College concerned (hereafter in the Act, referred to as the "Council").
- (2) Without prejudice to the generality of subsection (1) of this section, it shall be the responsibility of the Council to consider and approve:
 - (a) the plan of activities of the College;
 - (b) the programme of Studies, Courses and Research to be undertaken by the College;
 - (c) the annual estimates of the College; and
 - (d) the investment plans of the College.
- (3) The Provisions of schedule 2 to this Bill shall have effect with respect to the Council as specified therein (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 5 stands part of the Bill — Agreed to.

Clause 6: Membership of Governing Council.

- (1) The Council of each College, other than a Federal College of Education (Technical) shall consist of a Chairman and the following other members to be appointed by the President, Federal Republic of Nigeria:
 - (a) four persons of note in the areas of Arts, Sciences and Technical Education, who shall be former or serving Teachers/Educationists/Seasoned Administrators and broadly, representative of the whole Federation; one of whom shall be a woman, appointed by the President, Federal Republic of Nigeria;

- (b) a representative of the Federal Ministry of Education;
 - (c) a representative of the Regulatory Agency/Commission;
 - (d) the Provost;
 - (e) the Deputy Provost;
 - (f) two persons, not below the rank of Chief Lecturer, elected by the Academic Board, from among its members; and
 - (g) four persons to be elected by the Congregation, from amongst its members, in which two (2) persons shall not be below the rank of Chief Lecturer or its equivalent, and the remaining two (2) persons shall be non-teaching staff, not below the rank of Deputy Registrar or its equivalent.
 - (h) the Registrar shall be the Secretary to the Council.
- (2) The Council of each Federal College of Education (Technical) shall consist of a Chairman, to be appointed by the President, Federal Republic of Nigeria; and the following other members:
- (a) four persons in the areas of Science and Technology, Technical Education, or a Seasoned Administrator, who shall be a former or serving Teacher/Educationist/Administrator, and broadly representative of the whole Federation, one of whom shall be a woman, appointed by the President, Federal Republic of Nigeria;
 - (b) a representative of the Federal Ministry of Education;
 - (c) a representative of the Regulatory Agency/Commission;
 - (d) the Provost;
 - (e) the Deputy Provost;
 - (f) four persons to be elected by the Congregation, from amongst its members, in which two (2) persons shall not be below the rank of Chief Lecturer or its equivalent, and the remaining two (2) persons shall be non-teaching staff, not below the rank of Deputy Registrar or its equivalent;
 - (g) a representative of Nigeria Society of Engineers;
 - (h) a representative of College Alumni;
 - (i) the Registrar shall be the Secretary to the Council.
- (3) For Federal Colleges of Education (Special), there shall be in addition to the above composition, two (2) members who are Physically Challenged (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 6 stands part of the Bill — Agreed to.

Clause 7: Tenure of office of Council Members.

- (1) A member of the Council shall hold office for a term of three (3) years and, subject to the provisions of subsection (2) of this section, may be eligible for re-appointment/re-election as the case may be, for a further period of three (3) years and no more. However, there shall be no vacuum in the exiting of Council in any College. At any time the President dissolves the Council of a College, an immediate replacement shall be made.
- (2) The office of a member appointed under section 5, subsections (1), (2) and (3) of this Bill shall become vacant if:
 - (a) the member resigns his office by notice in writing under his hand; or
 - (b) the Minister, in consultation with the Council, is satisfied that it is not in the interest of the College for the person(s) appointed to continue in office and notifies the member in writing to that effect (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 7 stands part of the Bill — Agreed to.

Clause 8: Powers of the Council.

- (1) For the carrying out of the functions of each College, the Council shall have power to:
 - (a) approve for the College to receive from any student or any other person attending the College for the purpose of teaching or instruction, such fees as the Council may with the prior approval of the regulatory Commission, from time to time determine;
 - (b) provide amenities for and make such other provision for the welfare of staff of the College;
 - (c) invest the funds of the College in securities, specified by law or in such other securities in Nigeria, as may be approved by the Regulatory Commission;
 - (d) source for funds within Nigeria for the purpose of development of the College, in such manner and upon such security, as the Regulatory Commission may, from time to time authorize;
 - (e) recruit qualified and competent staff for the College;
 - (f) ratify the establishment and maintenance of such Schools, Departments and other teaching units within the College or extramural departments as may be recommended by the Academic Board;
 - (g) provide such course of instruction, either alone or in association with other institutions whether in Nigeria or not, as the Council may determine and approve;
 - (h) encourage and make provision for research and research grants in the College;
- (2) The power of the Council to establish further

within the College shall be exercisable by order and not otherwise within the stipulated guidelines (*Hon. Aminu Suleiman — Page Federal Constituency*).

Question that Clause 8 stands part of the Bill — Agreed to.

Clause 9A: The Academic Board and its Functions.

- (1) There shall be established for each College, a Board to be known as the Academic Board, which shall consist of the following members:
 - (a) the Provost of the College, who shall be the Chairman;
 - (b) Deputy Provost(s);
 - (c) the College Librarian;
 - (d) Deans;
 - (e) Academic Directors;
 - (f) all Heads of Academic Departments/Units;
 - (g) all Chief Lecturers;
 - (h) two members from the Academic Staff Congregation; and
 - (i) the quorum for any Academic Board meeting shall be $\frac{1}{2}$ of its members.
- (2) The Academic Board shall be responsible for:
 - (a) the direction and management of academic matters of the College;
 - (b) regulation of admission of students;
 - (c) award Nigeria Certificate in Education (NCE), Diplomas, Professional Certificates, Prizes, Scholarships and other Academic Distinctions of the College, to persons who may have pursued and successfully completed a course of study approved by the National Commission for Colleges of Education and who may have satisfied such other requirements as have been accredited by the Commission.
 - (d) award Degrees and Post-Graduate Diplomas in Education to persons who may have pursued and successfully completed a course of study approved and regulated by the National Universities Commission (NUC) and who may have satisfied such other requirements as have been accredited.
 - (e) consideration of awards of Certificates, Prizes, Scholarships and other Academic Distinctions;
 - (f) teaching and Research;
 - (g) making periodic reports on such academic matters to the Council;
 - (h) discharging any other functions which the Council may from time to time delegate it;

- (i) mount exhibitions and displays, designed to foster an appreciation of trends in the scope and requirements of Education;
- (j) institute and award fellowships, medals, prizes and other titles;
- (k) erect, provide, equip and maintain such educational, recreational and residential facilities as the College may require;
- (l) create lectureships and other academic posts and offices and to make appointments thereto;
- (m) hold inaugural and public lectures and undertake printing, publishing and bookselling; and
- (n) make gifts for any charitable purpose;

B. The College Management Committee, School Board and Department Board.

- (1) There shall be a Management Committee consisting of all the Principal Officers of the College.
- (2) The Provost shall be the Chairman of the Management Committee.
- (3) The Management Committee shall meet at least once in a month to discuss and take decisions on matters of general interest to the College, while its quorum shall be $\frac{1}{2}$ of its members.
- (4) There shall be a School Board for each school in the College, consisting of all academic staff in the school.
- (5) The School Board shall deal with all academic matters and any other matter of interest to the school or any matter assigned to it by the Council, the Academic Board or the Provost.
- (6) The Dean shall be the chairman of the School Board, while its quorum shall be $\frac{1}{2}$ its members.
- (7) The Dean shall be elected from among the Academic staff, not below the rank of Chief Lecturer in that school, for a term of two years, renewable once.
- (8) There shall be a Departmental Board for each Department in the College consisting of all academic staff in that Department.
- (9) The Departmental Board shall deal with all academic matters and any other matter of interest to the Department.
- (10) The Head of Department shall be the chairman of the Departmental Board, while quorum shall be $\frac{1}{2}$ of its members.
- (1) The Head of Department shall be appointed from among the Academic Staff not below the rank of a Principal Lecturer in the Department for a term of two years, renewable only once.
- (2) Where there is no qualified candidate for the position of Dean or Head of Department, the Provost shall appoint an Acting Dean, not below the rank of Senior Lecturer or Acting Head of Department not below the rank of

Lecturer I, for a term of one year in the first instance and renewable only once.

- (13) Nothing in the Act shall prevent the Management Committee and Board from making supplementary rules to guide their proceedings provided such rules are consistent with the provisions of this Bill (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 9 stands part of the Bill — Agreed to.

Clause 10: Congregation.

- (a) There shall be for the College of Education, a Congregation made up of both Academic and Senior Non-Teaching staff, who holds at least a first degree or its equivalent.
- (b) The provost shall be the Chairman of the Congregation; while the Registrar shall be the Secretary.
- (c) The Congregation shall meet at least once in a year.
- (d) The quorum of congregation shall be at least half the total number of its members.
- (e) Congregation may regulate its own proceedings and procedures (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 10 stands part of the Bill — Agreed to.

Clause 11: Visitation.

- (1) The President 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 consisting of not less than five experts to conduct the visitation:
- (i) for the purpose of evaluating the Academic and Administrative Performance of the College;
- (ii) for such other purpose or in respect of any other affairs of the College, as the Visitor may deem fit (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 11 stands part of the Bill — Agreed to.

Clause 12: Power of the Minister over Councils.

Subject to the provisions of this Bill, the Minister may give to the Council, directives of a general character or relating generally to matters of policy with regard to the exercise by Council, of its functions under this Bill, and it shall be the duty of the Council to comply with such directives (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 12 stands part of the Bill — Agreed to.

Clause 13:

Office of the Provost, Functions, Appointment and Tenure.

- (1) There shall be a Provost of each College (in this Bill referred to as "the Provost") who shall be appointed by the Council, in accordance with the provisions of this section.
- (2) Where vacancy occurs in the post of Provost, the Council shall:
 - (a) advertise the vacancy in not less than two widely read newspapers in Nigeria, not less than six (6) months before the expiration of the office of the sitting Provost, 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
 - (iii) thereafter draw up a short list of suitable candidates for consideration;
 - (b) constitute a Search Team consisting of:
 - (i) a member of Council, not being a member of the Academic Board, as Chairman,
 - (ii) two members of the Academic Board, not below the rank of Chief Lecturer/Professor,
 - (iii) two members of the Academic Community of the College, who are not below the rank of Principal Lecturer/Associate Professor and not members of the Academic Board, to be selected by the Academic Staff Congregation to identify and draw up a short list of suitable persons who are not likely to apply for the post for any reason whatsoever,
 - (iv) a senior non-teaching staff, not below the rank of a Deputy Registrar, who shall serve as member/secretary;
 - (c) instruct the congregation shall conduct election to decide acceptability level of the candidates by the College and forward the results, in order of rating to the Joint Council, Academic Board and Congregation Selection Committee, as established under subclause (3) (a) to (d) of this clause, provided the score from this exercise shall not exceed 5 points.
- (3) The Council shall constitute a Joint Council, Academic Board and Congregation Selection Committee consisting of:
 - (a) the Chairman of the Council;
 - (b) two members of the Council, not being members of the Academic Board; and
 - (c) two members of the Academic Board, not below the rank of Chief Lecturer, who were not members of the Search Team; and
 - (d) a senior non- teaching staff, not below the rank of a Deputy

Registrar; who shall recommend the three best candidates in order of performance and rating from the shortlist drawn up under subclause (2) (c) of this clause.

- (4) The Council shall appoint as Provost the candidate that is most suitably qualified and inform the Visitor.
- (5) Subject to this Bill and 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.
- (6) (a) The Provost shall hold office for a single term of five (5) years only, beginning with the effective date of his/her appointment and on such terms and conditions, as may be specified in his/her letter of appointment.
- (b) Where on the commencement of this clause a Provost appointed before the commencement of this Bill has held office:
 - (i) for less than five years, he shall be deemed to be serving his/her 5 years' single tenure and shall not have right for the renewal of his/her appointment for a further term of four years,
 - (ii) for more than five years and serving his/her second term of office, be deemed to be serving his/her last term of office without any further extension (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 13 stands part of the Bill — Agreed to.

Clause 14: Tenure and procedure for the removal of provost.

- (a) The Provost may be removed from office by the Governing Council on grounds of gross misconduct or inability to discharge the functions of his/her office as a result of infirmity of the body or mind, at the initiative of the Council, Senate or the Congregation after due process.
- (b) When the proposal for the removal of the Provost is made, the Council shall constitute a Joint Committee of Council and Academic Board consisting of:
 - (i) three members of the Council, one of whom shall be the Chairman of the Committee;
 - (ii) two members of Academic Board;
 - (iii) the Registrar, who shall serve as Secretary.
- (c) Where the ground for the removal is based on infirmity of the body or mind, the Council shall seek appropriate medical opinion to determine the Provost's incapacitation.
- (d) The Committee shall conduct investigation into the allegations made against the Provost and shall report its findings to the Council.
- (e) The Council may, where the allegations are proved, remove the Provost or

apply any other disciplinary action it may deem fit and notify the Visitor accordingly, provided that a Provost who is removed shall have right of appeal to the Visitor.

- (f) There shall be no Sole Administrator in the College of Education system.
- (g) In any case of a vacancy in the Office of the Provost, the Council shall appoint a Deputy Provost in an acting capacity on the recommendation(s) of the Academic Board.
- (h) An Acting Provost in all circumstances shall not be in office for more than 6 months (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 14 stands part of the Bill — Agreed to.

Clause 15: Office of the Deputy Provost; Functions; Appointment; Tenure and Procedure for Removal.

- (1) There shall be for each College, such number of Deputy Provosts, as the Council may deem necessary to appoint for proper administration.
- (2) Where a vacancy occurs in the post of Deputy Provost, the Provost shall forward to the Academic Board, a list of two candidates for the post of Deputy Provost that is vacant.
- (3) The Academic Board shall elect for each vacant post, one candidate from the list forwarded to it under subclause (2) of this clause, and forward his/her name to the Council for confirmation.
- (4) Where the:
 - (a) Academic Board rejects the two candidates forwarded to it by the Provost under sub-clause(2) of this clause, the Provost shall submit another list; and
 - (b) Council rejects the name sent to it under sub-clause(3) of this clause, the Academic Board shall send the name of the other candidate on the list forwarded to it by the Provost under sub-clause(2) of this clause.
- (5) The Deputy Provost shall:
 - (a) assist the Provost in the performance of his/her functions, as contained in this Bill;
 - (b) act in the place of the Provost when the post of the Provost is vacant or if the Provost is, for any reason, absent or unable to perform his/her functions as Provost; and
 - (c) perform such other functions for the Provost or as the Council may, from time to time, assign to him.
- (6) The Deputy Provost:
 - (a) shall hold office for a period of two years, beginning from the effective date of his/her appointment and on such terms and conditions as may be specified in his/her letter of appointment; and

- (b) may be re-appointed for further period of two years and no more;
- (c) a Deputy Provost may be removed from office for good cause by the Council, acting on the recommendation of the Provost and Academic Board;
- (d) "Good cause" for the purpose of this clause means gross misconduct or inability to discharge the functions of the office, arising from infirmity of body or mind (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 15 stands part of the Bill — Agreed to.

Clause 16: Other Principal Officers.

There shall be for each College, the following Principal Officers, in addition to the Provost they are:

- (a) the Registrar;
- (b) the Bursar; and
- (c) the College Librarian; who shall be appointed by the Council, on the recommendation of the Selection Board, constituted under clause 18, subclause (1) (a) - (d) and (2) of this Bill (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 16 stands part of the Bill — Agreed to.

Clause 17: Functions of Registrar and Tenure.

(1) The Registrar:

- (a) shall be the Chief Administrative Officer of the College and shall be responsible to the Provost for the day-to-day general administrative work and running of the College;
- (b) shall keep all records of staff and students;
- (c) shall conduct and receive all correspondence of Council and Management; and
- (d) shall perform such other duties of the Council, and as the Provost may, from time to time direct.

(2) The Registrar shall, in addition to the other duties conferred on him/her by or under this Bill, be a Secretary to the Council; Secretary to Management Committee; Secretary to Academic Board and any Committee of the Council; and in his/her absence, the Council may appoint some other persons in the Registry, to Act as Secretary.

- (3) (a) A Registrar shall hold office for a single term of five years only, beginning from the effective date of his/her appointment, and such terms and conditions as may be specified in his/her letter of appointment.
- (b) Where a Registrar appointed before the commencement of this Bill has held office:

- (i) for less than five years, he shall be deemed to be serving his/her 5 years' single tenure and shall not have right for the renewal of his/her appointment for a further term of five years,
- (ii) for more than five years and serving his/her second term of office, be deemed to be serving his/her last term of office, without further extension (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 17 stands part of the Bill — Agreed to.

Clause 18: Functions of Bursar and tenure.

- (1) 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 financial affairs of the College.
- (2) A Bursar shall hold office for a single term of five years only, beginning from the effective date of his appointment and such terms and conditions as may be specified in his letter of appointment.
- (3) Where on the commencement of this section, a Bursar appointed before the commencement of this Bill has held office:
 - (i) for less than five years, he shall be deemed to be serving his 5 years single tenure and shall not have right for the renewal of his appointment for a further term of five years;
 - (ii) for more than five years and serving his second term of office, be deemed to be serving his last term of office, without further extension (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 18 stands part of the Bill — Agreed to.

Clause 19: Function of College Librarian and tenure.

- (1) The College Librarian shall be responsible to the Provost for the administration of the College Library and co-ordination of the Library services in the teaching units of the College.
- (2) A College Librarian shall hold office for a single term of five years only, beginning from the effective date of his appointment and such terms and conditions as may be specified in his letter of appointment;
- (3) Where on the commencement of this section a College Librarian appointed before the commencement of this Bill has held office:
 - (i) for less than five years, he shall be deemed to be serving his 5 years single tenure and shall not have right for the renewal of his appointment for a further term of five years;
 - (ii) for more than five years and serving his second term of office, be deemed to be serving his last term of office, without further extension (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 19 stands part of the Bill — Agreed to.

Clause 20: Selection Board.

- (1) There shall be for each College, a Selection Board which shall consist of:
- (a) the Chairman of the Council;
 - (b) the Provost;
 - (c) four members of the Council not being members of Academic Board; two members of Academic Board; and
 - (d) a senior non-teaching staff, not below the rank of a deputy registrar who shall serve as member/secretary.
- (2) The functions, procedures and other matters relating to the Selection Board, constituted under subsection (1), (a) - (d) of this section, shall be as the Council may determine from time to time (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 20 stands part of the Bill — Agreed to.

Clause 21: How a Principal Officer can resign his appointment.

A Principal Officer may resign his appointment:

- (a) in the area of the Provost, by notice to the Visitor, through the Council; and
- (b) in any other case, by notice to the Council (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 21 stands part of the Bill — Agreed to.

Clause 22: Appointment of other staff of the College, who are not Principal Officers.

- (1) The Council may appoint such other persons to be employees of the College as the Council may determine, to assist the Provost and other Principal Officers of the College, in the performance of their functions under this Bill.
- (2) Subject to the provisions of this Bill, the remuneration, tenure of office and Conditions of Service of the employees of the College, shall be determined by the Council, in consultation with the Regulatory Agency/Commission and the National Salaries, Incomes and Wages Commission.
- (3) The Council may appoint such other persons to be employees of the College, as the Council may determine, to assist the Provost in the exercise of his functions under the Act (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 22 stands part of the Bill — Agreed to.

Clause 23: Remuneration of the Provost, other Principal Officers and other Employees.

The remuneration, tenure of office and Conditions of Service of the Provost and other employees of the college, shall be determined by the Council, in consultation with the Regulatory Agency/Commission, Revenue Mobilization, Allocation and Fiscal Commission, National Salaries, Income and Wages Commission (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 23 stands part of the Bill — Agreed to.

Clause 24: Pension Act Provisions.

- (1) It is hereby declared that Service in each College shall be approved Service for the purposes of the Pensions Act and accordingly, officers and other persons employed in each College, except Principal Officers, shall, in respect of their services in the College, be entitled to pensions, gratuities and other retirement benefits as are prescribed there under, so however, that, nothing in this Bill, shall prevent the appointment of a person to any office, on terms which precludes the grant of a pension and gratuity in respect of that office.
- (2) Staff of Colleges shall retire at the age of 65 years (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 24 stands part of the Bill — Agreed to.

Clause 25: Retirement age for staff of Colleges of Education.

Notwithstanding anything to the contrary, as contained in the Pensions Reform Act (2014), as amended, or any other extant rules; the compulsory retirement age of staff of Colleges of Education shall be 65 years (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 25 stands part of the Bill — Agreed to.

PART II — FINANCIAL PROVISIONS**Clause 26: Establishment of Colleges of Education Fund.**

- (1) The Council shall establish and maintain a fund which shall be applied towards the promotion of the objectives specified in this Bill;
- (2) There shall be paid and credited to the fund established under subclause (1) of this clause:
 - (a) such sums as may, from time to time, be granted to the College by the Government of the Federation;
 - (b) all monies raised for the purposes of the College by way of gifts, grants-in-aid or testamentary disposition; and
 - (c) all subscriptions, 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, not later than 3 months before the end of each financial year or at least, at such other time as he may direct, an estimate of its revenue and expenditure for the succeeding financial year (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 26 stands part of the Bill — Agreed to.

Clause 27: Power to accept Gifts.

- (1) The Council may accept gifts of land, money or other property, upon such terms and conditions, if any, as may be specified by the person making the gift.

- (2) The Council shall not accept any gift if the conditions attached by the person making the gift are inconsistent with the functions of the Council (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 27 stands part of the Bill — Agreed to.

Clause 28: Accounts.

The Council shall keep proper accounts of its receipts, payments, assets and liabilities, and shall in respect of each year, cause the accounts to be audited (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 28 stands part of the Bill — Agreed to.

Clause 29: Audits.

The Council shall, as soon as it may be possible, after the expiration of each financial year, prepare and submit to the Minister, through the Regulatory Agency/Commission, 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 on the accounts (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 29 stands part of the Bill — Agreed to.

PART III — OFFICES AND PREMISES

Clause 30: Office 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 (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 30 stands part of the Bill — Agreed to.

Clause 31: 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 clause.
- (3) Subject to the provisions of subclause (1) of this clause, where it is proved during the enquiry that any student of the College has been found culpable or guilty of misconduct; the Provost may, without prejudice to any other disciplinary powers conferred on his/her by this Bill or any regulations made thereunder, direct:

- (a) that the student shall not, during such period as may be specified in the direction, participate in such activities of the College, or make use of such facilities of the College, as he may specify; or
 - (b) 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
 - (c) that the student be suspended for such period as may be specified in the direction; or
 - (d) that the student shall be expelled from the College.
- (4) 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 subclause (3) (a) - (d) of this clause, to any student of the College who is guilty of misconduct.
- (5) Where a direction is given under subclause (3) (c) or (d) of this clause, 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 decision, 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 decision or modify it in such manner as the Council may think fit.
- (6) The fact that an appeal from a decision is brought in pursuance of the last foregoing sub clause, shall not affect the operation of the decision while the appeal is pending, except the Council directs otherwise.
- (7) The Provost may delegate his/her powers under this clause to a Disciplinary Committee, consisting of such members of the College, as he may nominate.
- (8) Nothing in this clause shall be construed as preventing, restricting or terminating a student's activities at the College, otherwise than, on the grounds of misconduct and, or cultism.
- (9) It is hereby declared that a direction under sub clause (3) (a) of this clause may be combined with a direction under sub clause (3) (b) of this clause.
- (10) In all cases under this clause, the decision of the Council shall be final, unless reversed by the Minister, on appeal by the student.
- (11) There shall be Committee on Students' Affairs which shall consist of:
- (a) a Deputy Provost as Chairman;
 - (b) one member of the Council;
 - (c) Dean of Students Affairs;
 - (d) two members of academic staff not below the rank of Senior Lecturer; and
 - (e) two representatives of the Students Union of the College.

- (12) A Committee on Students Affairs shall be charged with the duty of considering any:
- (a) matters which relates to the welfare of students;
 - (b) other matters referred to it by either the Council or Management of the College; and
 - (c) matters which the students wish to refer to Council which shall be referred to the Management in the first instance, which may in turn refer the matter to the Committee on Student Affairs.
- (13) No decision of a Committee of the Council shall have effect unless it is confirmed by the Council (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 31 stands part of the Bill — Agreed to.

Clause 32: Interpretation.

In this Bill, unless the context otherwise requires:

"Chairman" means the Chairman of the Council;

"College" means any of the Federal Colleges of Education specified in Schedule 1 to this Bill;

"Colleges" shall be construed accordingly;

"Congregation" means gathering of senior staff (teaching and non-teaching), with at least; degree or its equivalent, with a view to addressing all matters affecting the interest and welfare of staff of the College;

"Council" means the Governing Council of any of the Colleges established by or pursuant to section 2 of this Bill;

"Function" includes powers and duties;

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

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

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

"Provost" means the Provost of a College, appointed under section 11 of this Bill (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 32 stands part of the Bill — Agreed to.

Clause 33: Repeal.

This Bill Repeals the Federal Colleges of Education Act, 1998, Cap. F8, Laws of the Federation, 2004 (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 33 stands part of the Bill — Agreed to.

Clause 34: Citation.

This Bill may be cited as the Federal Colleges of Education Bill, 2022 (*Hon. Aminu Suleman — Fagge Federal Constituency*).

Question that Clause 34 stands part of the Bill — Agreed to.

SCHEDULES**SCHEDULE 1****Section 1**

- (1) Federal College of Education, Abeokuta, Ogun State;
- (2) Federal College of Education, (Technical) Akoka, Yaba, Lagos State;
- (3) Federal College of Education, (Technical) Asaba, Delta State;
- (4) Federal College of Education, (Technical) Bichi, Kano State;
- (5) Federal College of Education Eha-Amufu, Enugu State;
- (6) Federal College of Education, (Technical) Gombe, Gombe State;
- (7) Federal College of Education, (Technical) Gusau, Zamfara State;
- (8) Federal College of Education, Kano, Kano State;
- (9) Federal College of Education, Katsina, Katsina State.
- (10) Federal College of Education, Kontagora, Niger State;
- (11) Federal College of Education, Obudu, Cross River State;
- (12) Federal College of Education, Okene, Kogi State;
- (13) Federal College of Education, (Technical), Omoku, Rivers State;
- (14) Adeyemi Federal College of Education, Ondo, Ondo State;
- (15) Alvan Ikoku Federal College of Education, Owerri, Imo State;
- (16) Federal College of Education, (Special), Oyo Town, Oyo State;
- (17) Federal College of Education, Pankshin, Plateau State;
- (18) Federal College of Education, (Technical), Potiskum, Yobe State;
- (19) Federal College of Education, (Technical), Umunze, Anambra State;
- (20) Federal College of Education, Yola, Adamawa State;
- (21) Federal College of Education, Zaria, Kaduna State;
- (22) Federal College of Education, Jama'are, Bauchi State;

- (23) Federal College of Education, Odugbo, Benue State;
- (24) Federal College of Education, Isu, Ebonyi State;
- (25) Federal College of Education, Ekiadolor, Edo State;
- (26) Federal College of Education, Iwo, Osun State; and
- (27) Federal College of Education, Gidan Madi, Sokoto State (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that the provisions of Schedule 1 stand part of the Bill — Agreed to.

SCHEDULE 2

Section 2

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC.

Terms of Service

Remuneration of Council Members

1. There may be paid to the members of the Council or any Committee, such remuneration and allowances as may, from time to time be determined by the President, Commander-in-Chief of the Armed Forces.
2. Where a vacancy occurs in respect of the membership specified in section 5, subsections (1) (a) (i), (2) (a) (i), and (3), of this Bill, it shall be filled by the appointment of a successor, through the same process, to hold offices for the remainder of the term of office of 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. (a) The Council shall meet for the conduct of business in the college at such times that it may appoint once in every three months.
- (b) The Chairman may, at any time, and shall, at the request in writing of not less than 8 members, convene a meeting of the Council.
- (c) At any meeting of the Council, the Chairman shall preside; but in his absence, members present shall elect one of their members to preside at the meeting.
- (d) 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.
- (e) The quorum of the Council shall be simple majority of the total members of the Council, at least one of whom shall be a member appointed by the President, Commander-in-Chief of the Armed Forces.
- (f) Decisions of the Council shall be made on approval by a simple majority of members present at the meeting.

Miscellaneous

5. (a) The fixing of the seal of the College shall be authenticated by the signature of the Chairman, Provost and some other members of the Council, authorized generally or specially by the Council to act for that purpose.
- (b) Any contract or instrument which, if made executed by a person other than a body corporate, would not be required to be under seal, may be made and executed on behalf of the College by any person, generally or specially authorized to act for that purpose, by the Council.
- (c) 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 (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that the provisions of Schedule 2 stand part of the Bill — Agreed to.

Explanatory Memorandum:

The Core objective of the Bill is to provide for a legislative framework to support the Federal Colleges of Education Act, 1998 and to Re-enact the Federal Colleges of Education to allow for running of degree courses under the supervision of the National University Commission (NUC). Hitherto, most colleges in Nigeria offer degree programmes in affiliation with some Universities in Nigeria to obtain degrees to nurture career teachers with a view to augmenting the shortfall of teachers and to meet learning, research, instructional and teaching needs of the prospective students. This Bill enables the Colleges of Education in Nigeria, to offer Nigeria Certificate in Education (NCE), First Degree (B.Sc/B.A.) and similar certification in the areas of its core objects on both full-time and part-time basis (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report of the Conference Committee on a Bill for an Act to Repeal Colleges of Education Act, and Enact Federal Colleges of Education Bill; and for Related Matters and adopted the Conference Report.

Question that the House do adopt the Report of the Committee of the Whole — Agreed to.

- (ix) **Committee on Science and Technology:**
Motion made and Question proposed, "That the House do consider the Report of the Committee on Science and Technology on a Bill for an Act to Establish Chartered Institute of Computer Forensics of Nigeria; and for Related Matters (HB.1491)" (Hon. Beni Lar — Langtang North/Langtang South Federal Constituency).

Agreed to.

Question that the House do resolve into the Committee of the Whole to consider the Report — Agreed to.

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO ESTABLISH THE CHARTERED
INSTITUTE OF DIGITAL FORENSICS OF NIGERIA;
AND FOR RELATED MATTERS (HB. 1491)

PART I — ESTABLISHMENT, ETC. OF THE CHARTERED
INSTITUTE OF DIGITAL FORENSICS OF NIGERIA (CIDFON)

Committee's Recommendation:

Clause 1: Establishment of the Chartered Institute of Digital Forensics of Nigeria (CIDFON).

- (1) There is established a body to be known as the Chartered Institute of Digital Forensics of Nigeria (CIDFON) (in this Bill referred to as "the Institute"), which shall be an independent body corporate under that name and be charged with the general duty of:
- (a) have powers to regulate the practice of Digital Forensics (including Questioned Document Examination/Handwriting Analysis, Fingerprinting and other Biometric methods) in Nigeria in collaboration with Office of the National Security Adviser;
 - (b) advancing the science of digital forensics in this Bill referred to as "the profession";
 - (c) determining the standards of knowledge and skills to be attained by persons seeking to become registered members of the profession and reviewing those standards, from time to time, as circumstances may require in collaboration with Office of the National Security Adviser;
 - (d) promoting the highest standard of competence, practice and conduct among the members of the profession;
 - (e) securing, in accordance with the provisions of this Bill, the establishment and maintenance of a register of members of the profession and the publication, from time to time, of lists of those persons;
 - (f) conduct examination and award certificates and licenses to members and persons aspiring to qualify and practice as members of the profession;
 - (g) regulating on matters relating to qualifications for the practice of the profession;
 - (h) conduct research into all aspects of the profession;
 - (i) organize conferences, seminars, workshops for members and non-members of the profession;
 - (j) register and set standards for organizations to provide training for persons aspiring to qualify and practice as members of the profession;

- (k) have powers to accredit (in collaboration with appropriate organs(s) of government) Digital, Mobile and Computer Forensics Courses and Programmes for Universities or other Tertiary Institutions in Nigeria;
 - (l) have powers to accredit Private Digital Forensics Training Companies or Institutions for the purpose of preparing candidates for the Institute's Certification Examination in collaboration with appropriate agencies of government).
 - (m) have powers to accredit Digital Forensics Laboratories and for other matters connected therewith in collaboration with Office of the National Security Adviser;
 - (n) have powers to accredit (in collaboration with appropriate organ(s) of government) Digital, Mobile and Computer Forensics Courses in Institutions of Learning in Nigeria;
 - (o) have powers to accredit and license Distributors and Resellers of Forensic Tools in Nigeria in collaboration with appropriate agencies of government;
 - (p) have powers to accredit and certify (in collaboration with appropriate organ(s) of government) Forensic Hardware, Software and Tools in Nigeria;
 - (q) have powers to enforce standards and ethics in the practice of Digital Forensics in Nigeria;
 - (r) have powers to regulate the practice of the profession;
 - (s) issue Professional Licenses and Seals to Fellows and Professional members for the purpose of practicing the profession and for sealing Digital, Mobile and Computer Forensics Reports generated by such members for the courts, tribunals, court martials, administrative panel of inquiries and all their clients;
 - (t) doing such things as may promote the advancement of the profession of digital and computer forensics in both the public and private sector of the economy; and
 - (u) performing, through the Executive Council, College of Fellows and the Certification Board established under Section 3 of this Bill, the functions conferred on it by this Bill.
- (2) The Institute shall have perpetual succession and a common seal which shall be kept in such custody as the Council established under Section 3 of this Bill may from time-to-time authorise.
- (3) The Institute may sue and be sued in its corporate name and may hold, acquire and dispose of any property, movable or immovable (*Hon. Beni Butmak Lar — Langtang North/Langtang South Federal Constituency*).

Question that Clause 1 stands part of the Bill — Agreed to.

*Committee's Recommendation:***Clause 2: Membership of the Institute.**

- (1) Subject to the provisions of this Bill, a person admitted to the membership of the Institute shall be registered as a member and shall be entitled to use the abbreviation "MCIDF" (Member, Chartered Institute of Digital Forensics) after his name:
- (a) the Institute may register a member as a Fellow, Honorary Fellow, Professional Member, Student, or Corporate Member;
 - (b) a Fellow shall be a person who has practiced as a Digital Forensics Examiner for a period of not less than 7 years preceding the date of his application to the Institute for registration as a Fellow. The recommendation for approval of a nominated candidate shall be decided by a majority vote of the Certification Board and the final approval for a recommended candidate shall be decided by a majority vote of the Council. Persons registered as Fellows of the Institute shall be entitled to use after their names, the abbreviation "FCIDF" (Fellow, Chartered Institute of Digital Forensics). Professional Fellows under the Incorporated Computer Forensics Institute prior to the commencement of this Bill shall upon the commencement of this Bill be granted a period of six (6) months to apply for transfer into Professional Fellowship of the Chartered Institute of Digital Forensics of Nigeria (CIDFON);
 - (c) an Honorary Fellow shall be a person of repute and integrity who has contributed immensely towards the growth and development of the field of Digital Forensics and Electronic Evidence in Nigeria. The recommendation for approval of a nominated candidate shall be decided by a majority vote of the Certification Board and the final approval for a recommended candidate shall be decided by a majority of the Council. Persons registered as Honorary Fellows of the Institute shall be entitled to use after their names, the abbreviation "FCIDF(Hon.)" (Honorary Fellow, Chartered Institute of Digital Forensics). Honorary Fellows under the Incorporated Computer Forensics Institute prior to the commencement of this Bill shall upon the commencement of this Bill be granted a period of six (6) months to apply for transfer into Honorary Fellowship of the Chartered Institute of Digital Forensics of Nigeria (CIDFON);
 - (d) a Professional Member shall be a person who has undergone the Institute's approved Certification Training Programme or who has completed a similar Training and Certification from the list of approved foreign Professional Bodies as listed in the Fourth Schedule (Section 9) of this Bill, in as long as such foreign certification covers, subject by subject, the course contents of the Institute's Certification program. Where a candidate is deficient in certain subject area(s), the candidate must sit for the appropriate CIDFON examination(s) in such subject area(s);
 - (e) candidates who have completed their Certification Training Programme and have passed the Certification Examination of the Incorporated Computer Forensics Institute Examination from relevant and recognized Forensics institutions prior to the commencement of this Bill shall upon the commencement of this Bill

be granted a period of six (6) months to apply for transfer into Professional Membership of the Chartered Institute of Digital Forensics of Nigeria (CIDFON);

- (f) corporate membership shall consist of Companies, which produce or market Digital Forensics tools and or provide Digital Forensics Consultancy, Expert witness and Laboratory Services in Nigeria, which at the date of application, employ not less than two (2) Registered Professional Members of the Institute and satisfy the rules and regulations of the Institute. Corporate members under the Incorporated Computer Forensics Institute prior to the commencement of this Bill shall upon the commencement of this Bill be granted a period of six (6) months to apply for transfer into Corporate Membership of the Chartered Institute of Digital Forensics of Nigeria (CIDFON);
- (g) candidates as Fellow, Honorary Fellow, Professional Member, Student, or Corporate Member must be inducted and sworn to an Oath of Professional Ethics by the Institute.
- (h) a person who desires to take the Certification Examination for Professional Membership of the Institute shall obtain the necessary Application Form for Student Membership, attend an accredited Training Programme, sit for the Certification Examination and be inducted into the Institute;
- (i) no organization or person may practice as a Digital Forensics Inspector offer Digital Forensics Services including sales of forensic tools in Nigeria unless they have been registered by the Institute (*Hon. Beni Butmak Lar — Langtang North/Langtang South Federal Constituency*).

Question that Clause 2 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 3: Council of the Institute.

- (1) There shall be established, a Council of the Institute, which shall be charged with the administration and general management of the Institute.
- (2) The Council shall consist of:
 - (a) the President of the Institute who shall be a person of proven ability and integrity and a registered Fellow of the Institute with not less than seven (7) years post registration practical experience to be voted for by registered members of the Institute at an Annual General Meeting (AGM);
 - (b) the 1st Vice-President of the Institute with same criteria as the office of the President;
 - (c) the 2nd Vice-President of the Institute with same criteria as the office of the President;
 - (d) the Provost, College of Fellows;
 - (e) the Chairman, Certification Board;

- (f) the Chairman, Membership Committee;
- (g) the Chairman, Finance Committee;
- (h) the Chairman, Examinations Committee;
- (i) the Chairman, Conferences Committee;
- (j) the Chairman Ethics and Disciplinary Matters Committee;
- (k) the Chairman, External Relations Committee;
- (l) the Chairman, Laboratories and Facilities (Accreditation and Enforcement) Committee;
- (m) the Chairman, Education and Mandatory Continuous Education (MCE) Committee;
- (n) the Chairman, Research and Publications Committee;
- (o) the Chairman, Audit Committee;
- (p) *ex-officio* Member #1;
- (q) *ex-officio* Member #2;
- (r) two (2) representatives of Special Interest Groups registered with the Institute, with not less than five (5) years practical experience who shall be voted into the Executive Council from among the registered members of the Institute at an Annual General Meeting (AGM);
- (s) all immediate past presidents of the Institute, including the Incorporated Computer Forensics Institute;
- (t) two persons who shall be registered members of the Institute to represent Institutions of higher learning in Nigeria offering courses leading to an approved qualification in Digital, Mobile and Computer Forensics, in rotation, so however that the two shall not be nominated from the same Institution;
- (u) one (1) representative of the Chief of Staff to the President, Federal Republic of Nigeria;
- (v) one (1) member of the Council nominated by the Minister of Science and Technology;
- (w) one (1) representative of the Office of the National Security Adviser (ONSA);
- (x) one (1) representative of the Attorney General of the Federation and Minister of Justice;
- (y) one (1) representative of the Minister of Education;

- (c) one (1) representative of the Office of Minister of Communications and Digital Economy but from National Information Technology Development Agency (NITDA);
- (aa) one (1) representative of Head of Service of the Federation;
- (ab) the Registrar of the Institute, as Secretary to Council;
- (ac) the Executive Council of the Institute shall be an elected body, with the exception of the Provost of the College of Fellows, Chairman of the Certification Board, Past Presidents and Government Representatives;
- (ad) for items 'u' to 'ab' above, nominated representatives shall be Chartered Digital Forensics Examiners.

Tenure of Office.

- (3) The tenure of office for Executive Council members shall be for a single term of five (5) years.
- (4) The Executive Council shall have the power to add to the number or amend the names of their respective committees and sub-committees as necessary from time to time.
- (5) The President and the Vice-Presidents shall be elected into the Council by members of the Institute.
- (6) The President and Vice-Presidents shall each hold office for a single term office (5) years from the date of their election for the same position.
- (7) The President shall be the Chairman at meetings of the Institute, so however that in the event of the death, incapacity or inability for any reason of the President, the 1st Vice-President shall act as President for the unexpired portion of the term of office and as Chairman, as the case may be and references in this Bill to the President shall be construed accordingly. In the absence of both the President and the 1st Vice-President, the 2nd Vice-President shall chair the meeting of the Institute, as long as a quorum is formed.
- (8) The President and the two Vice-Presidents shall respectively be Chairman, 1st Vice-Chairman and 2nd Vice-Chairman of the Council of the Institute respectively under this Bill.
- (9) If the President or any Vice-President ceases to be a member of the Institute, he/she shall cease to hold any of the offices designated under this section.
- (10) The other Members of Council shall be elected for a single term of five (5) years for the same position.
- (11) The provisions of the First Schedule to this Bill shall have effect with respect to the qualifications and tenure of office of members of the Council and other matters therein mentioned (*Hon. Beni Butmak La Langtang 3 North/Langtang South Federal Constituency*).

Question that Clause 3 stands part of the Bill — Agreed to.

Committee's Recommendation:**Clause 4: Certification Board.**

- (1) There is hereby established under this Bill, a Body as the implementation, certification and disciplinary body of the Institute, to be known as the "Certification Board" (the Board) of the Institute.

Tenure of office of Chairman and Members of the Certification Board.

- (2) The principal officers listed under Section 3 (2) of this section shall be financial members of the Institute in the grades of Fellows and shall be elected to office for a term of four (4) years and maybe re-elected for another term of four (4) years subject to a maximum of two (2) terms.

Duties of the Certification Board.

- (3) The duties of the Certification Board shall include:
- (a) accreditations of Digital Forensics Courses in Universities and Institutions of Learning in conjunction with NUC;
 - (b) accreditation of Digital Forensics Laboratories in conjunction with the Office of the National Security Adviser;
 - (c) certification of Digital Forensics Practitioners in conjunction with appropriate agencies of government;
 - (d) certification of Digital Forensics Tools in conjunction with appropriate agencies of government;
 - (e) enforcement of Standards and Professional Practice in conjunction with appropriate agencies of government;
 - (f) submission of its Annual Budget to the Executive Council of the Institute for approval;
 - (g) any other duties as assigned to it by the Executive Council of the Institute.
- (4) The Certification Board shall have the power to add to the number and amend the names of their respective committees and sub-committees as necessary from time to time.
- (5) Members of the Board shall hold office for a period of four (4) years each and renewable for another term of four (4) years.
- (6) Each of the Board members listed Section 3 (2) must be a Fellow of CIDFON with reputable character, whose membership subscription fees are paid up-to-date, with a minimum of seven years' experience in the profession, and active in their areas of specialization in the profession (*Hon. Beni Butmak Lar — Langtang North/Langtang South Federal Constituency*).

Question that Clause 4 stands part of the Bill — Agreed to.

Committee's Recommendation:**Clause 5: College of Fellows.**

- (1) There is hereby established under this Bill, a Body as an "Advisory Body"

to be known as the "College of Fellows" of the Institute, which shall be headed by the Provost of the College of Fellows and assisted by a Deputy Provost.

- (2) The responsibilities of the College of Fellows shall include the following:
 - (a) vetting and approval of Fellowship Application forms from Professional Members of CIDFON;
 - (b) nomination on Honorary Fellowship Awards to deserving members of the public;
 - (c) advisory services to Executive Council and Certification Board;
 - (d) can create and manage the internal structures and activities for Fellows;
 - (e) submits Budget to Executive Council for approval;
 - (f) other duties as assigned by the Executive Council and Certification Board;
- (3) The tenure of office of the Provost and Deputy Provost, College of Fellows shall be for a single term of two (2) years.
- (4) The Provost shall represent the College of Fellows on the Executive Council of the Institute while in office. In the absence of the Provost, the Deputy Provost shall represent the Provost at the CIDFON Executive Council meetings.
- (5) The College of Fellows shall have the power to appoint its own officers and to add to the number or amend the names of their respective committees and sub-committees as necessary from time to time (*Hon. Beni Butmak Lar — Langtang North/Langtang South Federal Constituency*).

Question that Clause 5 stands part of the Bill — Agreed to.

PART II — FINANCIAL PROVISIONS

Committee's Recommendation:

Clause 6; Funding of the Institute.

- (1) The Institute shall be funded:
 - (a) by the payment of membership fees and other moneys payable to the Institute pursuant to this Bill; and
 - (b) such moneys as may be payable to the Institute, whether in the course of the discharge of its functions or not.
- (2) There shall be paid out of the resources of the Institute:
 - (a) the remuneration and allowances of the Registrar and other employees of the Council and the Board;
 - (b) such reasonable travelling and subsistence allowance of members of the Council and the Board in respect of the time spent on the

business of the Council and the Board as the Council and the Board may approve;

- (c) any other expenses approved by the Council or the Board in the discharge of their functions under this Bill.
- (3) The Council may invest moneys in the fund in any security created or issued by or on behalf of the Federal Government or in any other securities in Nigeria approved by the Council.
- (4) The Council may, from time to time, borrow money for the purposes of the Institute with the approval of the Annual General Meeting (AGM) and any interest payable on moneys so borrowed shall be paid out of the fund (*Hon. Beni Butmak Lar — Langtang North/Langtang South Federal Constituency*).

Question that Clause 6 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 7: Accounts, etc.

- (1) The Institute shall keep proper accounts on behalf of the Institute in respect of each year.
- (2) The Institute shall prepare monthly, quarterly and annual financial reports and submit same to both the Council and the Board;
- (3) The institute shall keep proper records in relation to those accounts and shall cause its accounts to be audited at the end of the year by a firm of auditors approved by the Institute and, when audited, the accounts shall be submitted to the members of the Institute for approval by them at the Annual General Meeting of the Institute.
- (4) Appointment and renewal of appointments of the firm of external auditors shall be by the Annual General Meeting of the institute (*Hon. Beni Butmak Lar — Langtang North/Langtang South Federal Constituency*).

Question that Clause 7 stands part of the Bill — Agreed to.

PART III — APPOINTMENT OF REGISTRAR, ETC.,
AND PREPARATION OF THE REGISTER

Committee's Recommendation:

Clause 8: Appointment of Registrar, etc. and preparation of the register.

- (1) The Institute shall appoint a fit and proper person to be the Registrar for the purposes of this Bill, and such other persons as the Institute may, from time to time think necessary to assist the Registrar in the performance of his function under this Bill.
- (2) The Registrar must be a Fellow of the Institute, with seven years' experience in the profession and a proven additional qualification and track record in administration. The Registrar shall hold office for a period of five (5) years and renewable for another term of five (5) years.
- (3) The Registrar shall be the Secretary to the Council and the Board.
- (4) It shall be the duty of the Registrar to prepare and maintain in accordance with rules made by the Institute, a register of the names, addresses,

approved qualifications and of such other qualifications and particulars as may be specified in the rules, of all persons who are entitled in accordance with the provisions of this Bill to be registered as members of the Institute or such persons who have applied to be so registered.

(5) Subject to the foregoing provisions of this section, the Council shall make rules with respect to the form and keeping of the register and the making of entries therein, and in particular:

- (a) regulating the making of application for or registration, as the case may be, and providing for the evidence to be produced in support of such applications;
- (b) providing for the notification to the Registrar, by the person to whom any registered particulars relate, of any change in those particulars;
- (c) authorizing a registered person to have any qualification which is required in relation to the relevant division of the profession, whether an approved qualification or accepted qualification for the purposes of this Bill; registered in relation to his name in addition to or, as he may elect, in substitution for any other qualifications so registered;
- (d) specifying the fees, including any annual subscription, to be paid to the Institute in respect of the entry of names on the register, and authorizing the Registrar to refuse to enter a name on the register until any fee specified for the entry has been paid:

Provided that such fees or dues, the entry of names or the refusal to do so have been confirmed at a meeting of the Institute;

- (e) specifying the doing of anything omitted to be done under the foregoing provisions of this section.
- (6) It shall be the duty of the Registrar:
- (a) to 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) to make, from time to time, any necessary alteration to the registered particulars of members or the Register of members;
 - (c) to remove from the register, the name of any registered member who has died;
 - (d) to record the names of 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 thereto (including removal of the names of defaulters from the register) as the Council may direct or require.

(7) If the Registrar:

- (a) requests a registered member to either provide or confirm the

particulars regarding his/her membership and such a member neglects to do so within six months of the request, the Registrar may send a notice of reminder requesting the member to provide the required information within a further period of three months;

- (b) where the member fails to provide the requested information at the expiration of the additional period of three months period, the Registrar may remove the particulars relating to such member from the register of members, and report same to the Certification Board.
- (8) The Council and the Board may direct the Registrar to restore the particulars of any member removed under this subsection (*Hon. Beni Butmak Lar — Langtang North/Langtang South Federal Constituency*).

Question that Clause 8 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 9: Publication of register and list of corrections.

- (1) It shall be the duty of the Registrar:
- (a) to cause the register of members to be printed, published and put-on sale to members of the public not later than two years from the commencement of this Bill;
- (b) thereafter in each year, to cause to be printed, published and put-on sale as aforesaid, either a corrected edition of the register of members or a list of corrections made to the register, since it was last printed;
- (c) to cause a print of each edition of the register and of each list of corrections to be deposited at the principal offices of the Institute; and
- (d) to keep the register of members and lists so deposited to be made available to members of the public at all reasonable times for inspection.
- (2) A document purporting to be a print of an edition of a register published under this section by authority of the Registrar, or documents purporting to be prints of an edition of a register so published and of the list of corrections to that edition so published, shall (without prejudice to any other means of proof) be admissible in any proceedings as evidence that any person specified in the document, or the documents read together, as being registered was so registered at the date of the edition or of the list of corrections, as the case may be and that any person not so specified was not so registered.
- (3) Where in accordance with subsection (2) of this section, a person is, in any proceeding shown to have been or not to have been registered at a particular date, he shall, unless the contrary is proved, be taken for the purposes of those proceedings as having at all material times thereafter continued to be, or not to be so registered (*Hon. Beni Butmak Lar — Langtang North/Langtang South Federal Constituency*).

Question that Clause 9 stands part of the Bill — Agreed to.

PART IV — REGISTRATION

*Committee's Recommendation:***Clause 10: Registration of members.**

- (1) Subject to section 9 of this Bill and to rules made under section 7 (4) of this Bill, a person shall be entitled to be registered as a member of the profession if he satisfies the Council that:
 - (a) immediately before the commencement of this Bill, he holds a qualification approved for membership of any of the professional bodies mentioned in the Fourth Schedule to the Bill or any other professional forensics body approved by the Council on the recommendation of the Board, in as long as such certification covers, subject by subject, the course contents of the Institute's Certification program. Where a candidate is deficient in certain subject area(s), the candidate must sit for the appropriate CIDFON examination(s) in such subject area(s) [Fourth Schedule];
 - (b) before 1st January, 2017, he was a graduate in forensics science of any Nigerian or foreign university with three years' post-qualification experience in digital, mobile and computer forensics;
 - (c) he is a citizen of Nigeria and was immediately before the commencement of this Bill, the Head of Forensics Department, provided he possesses a Bachelor's degree in forensics or an equivalent qualification;
 - (d) he has completed the required Boot Camp or online training and passed the Professional Certification Examination conducted by the Incorporated Computer Forensics Institute.
- (2) Subject as aforesaid, a person shall also be entitled to be registered as a member under this Bill, if he holds such certificate as may be recognized by the Institute from time to time on the recommendation of the Board to the Council.
- (3) An Applicant for registration under this Bill shall in addition to evidence of qualification, satisfy the Council that —
 - (a) he is of good character;
 - (b) he has attained the age of eighteen years (this requirement may be waived for student members of the Institute); and
 - (c) he has not been convicted in Nigeria or elsewhere of an offence involving Fraud or dishonesty; and
 - (d) he has not been declared or adjudged a bankrupt in Nigeria or elsewhere.
- (4) The Council may, in its sole discretion provisionally, accept a qualification produced in respect of an application for registration under this section or direct that the application be renewed within such period as may be specified in the direction.

- (5) Any entry directed to be made in the register, under subsection (4) of this section, shall show that the registration is provisional and no entry so made shall be converted to full registration without the consent of the Council and the recommendation of the Board signified in writing in that behalf.
- (6) The Council shall, from time to time, publish in the Gazette of the Ministry particulars of qualifications for the time being accepted for registration under this Bill (*Hon. Beni Butmak Lar — Langtang North/Langtang South Federal Constituency*).

Question that Clause 10 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 11: Approval of qualifications, etc.

- (1) The Certification Board may approve any institution for the purposes of this Bill and may for those purposes approve:
- (a) any course of training at any approved institution which is intended for persons seeking to become or are already members of the forensics profession and which in the opinion of the Board is designed to confer on persons sufficient knowledge and skill for the practice of the profession;
- (b) any qualification which, as a result of an examination taken in conjunction with a course of training approved by the Board under this section, is granted to candidates reaching a standard at the examination indicating in the opinion of the Certification Board, that the candidates have sufficient knowledge and skill for the practice of the profession.
- (2) The Board may, if it thinks fit, withdraw any approval given under this section in respect of any course, qualification or institution; but before withdrawing such an approval the Board shall:
- (a) give notice that it proposes to do so to persons in Nigeria appearing to the Board to be persons by whom the course is conducted or the qualification is granted or the institution is controlled, as the case may be;
- (b) afford each, such person an opportunity of making to the Board representations with regard to the proposal; and
- (c) take into consideration any representation made as respects the proposal in pursuance of paragraph (b) of this subsection.
- (3) A course, qualification or institution shall cease to be recognized during any period an approval has been withdrawn under subsection (2) of this section.
- (4) Notwithstanding the provisions of subsection (3) of this section, the withdrawal of an approval under subsection (2) of this section shall not prejudice the registration eligibility of any person who by virtue of the approval was registered or was eligible for registration (either unconditionally or subject to his obtaining a certificate of experience) immediately before the approval was withdrawn.
- (5) A foreign forensic examiner or a person with a foreign qualification and

license to practice as a forensic examiner who seeks to practice in Nigeria or render forensic services in Nigeria.

- (6) Must either obtain license from the Board to practice as such or seek for a waiver from the Council through the Board.
- (7) An approval or waiver obtained for the purposes of rendering forensic service(s) shall only be for the duration of the period for which such service(s) is to be performed and shall be so stated in the license or waiver. Such approved period shall not exceed a period of 90 days.
- (8) The grant or withdrawal of an approval or license under this section shall have effect from such date, either before or after the execution of the instrument signifying the grant or withdrawal of the approval or license, as the Board may specify in the instrument and the Board shall:
 - (a) as soon as may be, publish a copy of every such instrument in the Gazette; and
 - (b) not later than seven days before its publication as aforesaid, send a copy of the instrument to the Minister (*Hon. Beni Bumak Lar — Langtang North/Langtang South Federal Constituency*).

Question that Clause 11 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 12: Supervision of instructions and examinations leading to approved qualifications in collaboration with the National University Commission.

- (1) The Board shall be informed of the nature of:
 - (a) the instruction given at approved institutions to persons attending approved courses of training; and
 - (b) the examinations as a result of which approved qualifications are granted, and for the purposes of performing that duty, the Board may appoint either from among its members or otherwise, persons to visit approved institutions or to observe such examinations.
- (2) It shall be the duty of a person appointed under this section to report to the Board on:
 - (a) the adequacy of the instruction given to persons attending approved courses of training at institutions visited;
 - (b) the adequacy of the examinations administered by such institution; and
 - (c) any other matters relating to the institutions or examinations on which the Board may, either generally or in a particular case, request the person to report:

Provided that the person shall not interfere with the giving of any instruction or the holding of any examination.

- (3) On receiving a report made in pursuance of this section, the Board may, if it thinks fit, and shall, if so required by the institution, send a copy of the

report to the person appearing to the Board to be in charge of the institution or responsible for the examination to which the report relates (*Hon. Beni Butmak Lar — Langtang North/Langtang South Federal Constituency*).

Question that Clause 12 stands part of the Bill — Agreed to.

PART V — PROFESSIONAL DISCIPLINE

Committee's Recommendation:

Clause 13: Establishment of Disciplinary Tribunal and Investigating Panel.

- (1) There shall be a tribunal to be known as the Chartered Institute of Computer Forensics of Nigeria Disciplinary Tribunal (in this Bill referred to as "the Tribunal") which shall be charged with the duty of considering and determining any case of professional misconduct referred to it by the investigating Panel established by the following provisions of this section and any other case of which the Tribunal has cognizance under the following provisions of this Bill.
- (2) The Tribunal shall consist of the Chairman of the Council and six other members of the Council appointed by the Council (including the representative of the Minister of Justice on the Council), the President of Council and three other members of Council. The Registrar shall act as the Secretary.
- (3) There shall be a body to be known as the Chartered Institute of Computer Forensics of Nigeria Investigating Panel (in this Bill referred to as "the Panel") which shall be charged with the duty of:
 - (a) conducting a preliminary investigation into any case where it is alleged that a person registered has misbehaved in his capacity as a member or should for any other reason be the subject of proceedings before the Tribunal; and
 - (b) deciding whether the case should be referred to the Tribunal.
- (4) The Panel shall be appointed by the Council and shall consist of five Members, four from the Council and the other one from outside the Council.
- (5) The provisions of the Second Schedule to this Bill shall, so far as applicable to the tribunal and panel respectively, have effect with respect to those bodies.
- (6) The Council and the Board, jointly, may from time to time make rules not inconsistent with this Bill as to acts which constitute professional misconduct (*Hon. Beni Butmak Lar — Langtang North/Langtang South Federal Constituency*).

Question that Clause 13 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 14: Penalties for unprofessional conduct, etc.

- (1) Where:
 - (a) a person registered under this Bill is judged by the Tribunal to have committed any act of professional misconduct; or

- (b) a person is convicted, by any court or tribunal in Nigeria or elsewhere having power to award imprisonment, of an offence (whether or not punishable with imprisonment) which in the opinion of the Tribunal is incompatible with the status of a member of the profession; or
- (c) the tribunal is satisfied that the name of any person has been fraudulently registered, the Tribunal may, if it thinks fit, give a direction reprimanding that person or ordering the Registrar to strike his name off the relevant part of the register.
- (2) The Tribunal may, if it thinks fit, defer its decision as to the giving of a direction under subsection (1) of this section until a subsequent meeting of the Tribunal; but:
- (a) no decision shall be deferred under this subsection for periods exceeding two years in the aggregate; and
- (b) no person shall be a member of the Tribunal for the purposes of reaching a decision which has been deferred or further deferred, unless he was present as a member of the Tribunal when the decision was deferred.
- (3) For the purposes of subsection (1) (b) of this section, 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.
- (4) When the Tribunal gives a direction under subsection (1) of this section, the Tribunal shall cause notice of the direction to be served on the person to whom it relates.
- (5) A person to whom a direction relates may, at any time within 28 days from the date of service on him of notice of the direction, appeal against the direction to the Court of Appeal and the Tribunal may appear as respondent to the appeal and, for the purpose of enabling directions to be given as to the costs of the appeal and of proceedings before Court of Appeal, the Tribunal shall be deemed to be a party thereto whether or not it appears on the hearing of the appeal.
- (6) A direction of the Tribunal under subsection (1) of this section, shall take effect where:
- (a) no appeal under this section is brought against the direction within the time limited for the appeal, on the expiration of that time;
- (b) an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal;
- (c) an appeal is brought and is not withdrawn or struck out as aforesaid, if and when the appeal is dismissed, and shall not take effect except in accordance with the foregoing provisions of this subsection.
- (7) A person whose name is struck off the register in pursuance of a direction of the Tribunal under this section, shall not be entitled to be registered again except in pursuance of a direction in that behalf made by the Tribunal under this section.

section for the striking off of a person's name from the register, may prohibit an application for re-registration under this subsection by that person until the expiration of such period from the date of the direction (and where he has duly made such an application, from the date of his last application) as may be specified in the direction (*Hon. Beni Butmak Lar — Langtang North/Langtang South Federal Constituency*).

Question that Clause 14 stands part of the Bill — Agreed to.

PART VI — MISCELLANEOUS

Committee's Recommendation:

Clause 15: Application of this Bill to unregistered persons.

Any person not a member of the Computer Forensics Institute incorporated under the then Land Perpetual Succession Act (in this Bill referred to as "the Incorporated Institute") who but for this Bill, would have been qualified to apply for and obtain membership of the Incorporated Institute may, within the period of six (6) months beginning from the commencement of this Bill, apply for membership of the Institute in such manner as may be prescribed by rules made by the Board and approved by the Council. If such an application is approved, he shall be registered according to his qualification (*Hon. Beni Butmak Lar — Langtang North/Langtang South Federal Constituency*).

Question that Clause 15 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 16: When a person is deemed to practice as a member

- (1) Subject to subsection (2) of this section, a person shall be deemed as a member of the profession if, in consideration of remuneration received or to be received and whether by himself or in partnership with any other person:
 - (a) he engages himself in the Digital Forensics practice or holds himself out to the public as a member of the Institute; or
 - (b) he renders professional service or assistance in or about matters of principle or detail relating to profession; or
 - (c) he renders any other service which may by regulations made by the Council be designed as service constituting digital, mobile and computer forensics practice; or
 - (d) describes himself as a Chartered Digital Forensics Examiner; and are entitled to use the acronym of "C.dfe" after their names in addition to MCIDF or FCIDF (the latter which shows the class of membership of the Institute).
- (2) Nothing in this section shall be construed so as to apply to persons who, while in the employment of any Government or engaged in digital, mobile and computer forensics field perform the duties or any of the duties of a certified forensics examiner. Such persons shall within a period of two (2) years from the commencement of this Bill regularize their membership with the Institute (*Hon. Beni Butmak Lar — Langtang North/Langtang South Federal Constituency*).

Question that Clause 16 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 17: Rules as to practice, etc.

- (1) The Board may make rules for the approval of the Council:
 - (a) for the training of suitable persons in digital, mobile and computer forensics methods and practice; and
 - (b) for the supervision and regulation of the engagement, training, development and transfer of such persons.
- (2) The Council may make rules:
 - (a) prescribing the amount and due date for payment of the annual subscription;
 - (b) prescribing the form of license to practice to be issued annually or, if the Council thinks fit, by endorsement on an existing license: and
 - (c) restricting the right to practice in default of payment of the amount of the annual subscription where the default continues for longer than such period as may be prescribed by the rules.
- (3) Rules when made under this section shall, if the President of the Council so directs, be published in the Gazette (*Hon. Beni Butmak Lar — Langtang North/Langtang South Federal Constituency*).

Question that Clause 17 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 18: Provision of library facilities, etc.

The Institute shall:

- (a) provide and maintain a library comprising books and publications for the advancement of knowledge of cyber security, digital, mobile and computer forensics, and cognate subjects as applied to all or any of the professional services provided by forensic experts engaged in either public or private practice, industry and commerce or the civil service and such other books and publications as the Council may think necessary for the purpose;
- (b) encourage research into digital, mobile and computer forensics and crime management and such subjects as maybe relevant to the profession to the extent that the Council and the Board may, from time to time consider necessary (*Hon. Beni Butmak Lar — Langtang North/Langtang South Federal Constituency*).

Question that Clause 18 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 19: Offences.

- (1) If any person, for the purpose of procuring the registration of any name, qualification or other matter:
 - (a) makes a statement which he believes to be false in a material particular; or

(b) recklessly makes a statement which is false in a material particular, he shall be guilty of an offence.

(2) If, on or after the relevant date, any person who is not a member of the Institute practices or holds himself out to practice for or in expectation of reward or takes or uses any name, title, addition or description implying that he is a member of the Institute shall be guilty of an offence:

Provided that, in the case of a person falling within Section 14 of this Bill:

(a) this subsection shall not apply in respect of anything done by him during the period of three months mentioned in that section; and

(b) if within that period he duly applies for membership of the Institute then, unless within that period he is notified that his application has not been approved, this subsection shall not apply in respect of anything done by him between the end of that period and the date on which he is registered or is notified as aforesaid.

(3) If the Registrar or any other person employed by or on behalf of the Institute willfully makes any falsification in any matter relating to the register, he shall be guilty of an offence.

(4) A person guilty of an offence under this section shall be liable:

(a) on summary conviction, to a fine of an amount not exceeding ₦1,000,000.00;

(b) on conviction or indictment, to a fine of an amount not exceeding ₦5,000,000.00 or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

(5) Where an offence under this section which has been committed by a corporate body 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, Minister or other similar officer of the body corporate or any person purporting to act in any such capacity, he, as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be prosecuted and punished accordingly.

(6) In this section, "the relevant date" means the third anniversary of the coming into force of this Bill such earlier date as may be prescribed for the purposes of this section by order of the Minister published in the Gazette (*Hon. Beni Butmak Lar — Langtang North/Langtang South Federal Constituency*).

Question that Clause 19 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 20: Regulations and rules.

(1) Any regulations made under this Bill, shall be published in the Gazette after they are made and a copy of any such regulations shall be forwarded to the Minister not later than seven days before they are published.

(2) Rules made for the purposes of this Bill, shall be subject to confirmation by the Institute at its next general meeting or at any special meeting of the Institute convened for that purpose, and if annulled, shall cease to have

effect on the date of annulment, but without prejudice to anything done in pursuance or intended pursuance of any such rules (*Hon. Beni Butmak Lar — Langtang North/Langtang South Federal Constituency*).

Question that Clause 20 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 21: Transfer to the Institute of certain assets and liabilities.

- (1) On the commencement of this Bill:
 - (a) all assets and liabilities held or incurred immediately before the commencement of this Bill shall, by virtue of this Bill and without further assurance, vest in the Institute and be held by it for the purposes of the Institute;
 - (b) the Incorporated Institute shall cease to exist; and
 - (c) subject to subsection (2) of this Section, any act or thing made or done by Incorporated Institute shall be deemed to have been made or done by the Institute.
- 2) The provision of the Third Schedule to this Bill shall have effect with respect to matters arising from the transfer by this section to the Institute of the property of the Incorporated Institute and with respect to the other matters mentioned therein (*Hon. Beni Butmak Lar — Langtang North/Langtang South Federal Constituency*).

Question that Clause 21 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 22: Interpretation.

In this Bill, unless the context otherwise requires:

"accredited Training partners" means institutions and organizations recommended by the Board and approved by the Council to provide digital, mobile and computer forensics training leading to certification under this Bill and organizations who before the commencement of this Bill were the training partners to the incorporated institute, and who from the commencement of this Bill become accredited training partners of the institute (*Hon. Beni Butmak Lar — Langtang North/Langtang South Federal Constituency*).

Question that the meaning of the words "accredited Training partners" be as defined in the interpretation to this Bill — Agreed to.

"Certification Board" by this Bill means the Implementation body delegated by the Executive Council to supervise the Certification, Accreditation and Disciplinary arm of the Institute (*Hon. Beni Butmak Lar — Langtang North/Langtang South Federal Constituency*).

Question that the meaning of the words "Certification Board" be as defined in the interpretation to this Bill — Agreed to.

"Chairman and Vice-Chairman" means respectively the office-holders under those names in the Institute's Executive Council and the Certification Board (*Hon. Beni Butmak Lar — Langtang North/Langtang South Federal Constituency*).

Question that the meaning of the words "Chairman and Vice-Chairman" be as defined in the interpretation to this Bill — Agreed to.

"Chartered Digital Forensics Inspector (Examiner)" means a member of the Institute licensed to practice as a digital forensics expert, after completing the training, examination, practical testing, experience and other requirements for membership of the Institute; and are entitled to use the acronym of Cdfi after their names in addition to MCIDF or FCIDF (*Hon. Beni Butmak Lar — Langtang North/Langtang South Federal Constituency*).

Question that the meaning of the words "Chartered Digital Forensics Inspector (Examiner)" be as defined in the interpretation to this Bill — Agreed to.

"computer" means any device for storing and processing information, and any reference to information being derived from other information is a reference to its being derived from it by calculation, comparison or any other process (Evidence Act, 2011: S. 258 (1) (d)) (*Hon. Beni Butmak Lar — Langtang North/Langtang South Federal Constituency*).

Question that the meaning of the word "computer" be as defined in the interpretation to this Bill — Agreed to.

"digital forensics" is a branch of forensic science that deals with the scientific method of transforming digital data into digital evidence i.e. scientifically, using approved digital forensics methodology to obtain evidence from digital data or by scientifically processing digital data into digital evidence, in accordance with the Rules of Evidence. The digital forensic processes include: digital evidence data (exhibit) acquisition, exhibit administration, forensic examination and extraction, forensic analysis, evidence reporting and review, and evidence presentation. It is the scientific process of acquiring digital or electronic exhibit or data, preserving same and processing them through forensic examination/extracting, forensic analysis, reporting and presenting the resultant digital or electronic evidence in a manner that is legally acceptable, using an approved methodology, and for legal purpose. The digital evidence data may be extracted from computers, telephones and mobile devices, various hand-held devices, data storage media, networks, cloud storage, vehicles, drones/unmanned aerial vehicles, and other emerging digital technologies (*Hon. Beni Butmak Lar — Langtang North/Langtang South Federal Constituency*).

Question that the meaning of the words "digital forensics" be as defined in the interpretation to this Bill — Agreed to.

"Digital forensics investigations" have a variety of applications. The most common is to support or refute a hypothesis before criminal or civil courts. Criminal cases involve the alleged breaking of laws that are defined by legislation and that are enforced by the police and law-enforcement agents, and prosecuted by the State, such as murder, theft, terrorism, kidnapping, cybercrimes and assault against the person. Civil cases on the other hand deal with protecting the rights and property of individuals (often associated with family disputes). Digital forensics may also feature in the private sector; such as during internal corporate investigations or fraud or intrusion investigation (*Hon. Beni Butmak Lar — Langtang North/Langtang South Federal Constituency*).

Question that the meaning of the words "Digital forensics investigations" be as defined in the interpretation to this Bill — Agreed to.

"Council" means the arm of the Institute established under section 3 of this Bill and

charged with the administration and general management of the Institute (*Hon. Beni Butmak Lar — Langtang North/Langtang South Federal Constituency*).

Question that the meaning of the word "Council" be as defined in the interpretation to this Bill — Agreed to.

"Disciplinary Tribunal" means the Chairman and members of the Disciplinary Tribunal established under section 15 of the Institute (*Hon. Beni Butmak Lar — Langtang North/Langtang South Federal Constituency*).

Question that the meaning of the words "Disciplinary Tribunal" be as defined in the interpretation to this Bill — Agreed to.

"electronic evidence" are data stored or transmitted using a computer or similar electronic device which have been forensically processed, and that support or refute a theory of how an offence occurred or that address critical elements of the offence such as intent and alibi. The data or information for the digital forensic processes can be extracted from computers, telephones and mobile devices, tablets, various hand-held devices, data storage media, networks, cloud storage, vehicles, technologies for biometrics, questioned documents examination and handwriting analysis, drones and unmanned aerial vehicles, and other emerging digital technologies (*Hon. Beni Butmak Lar — Langtang North/Langtang South Federal Constituency*).

Question that the meaning of the words "electronic evidence" be as defined in the interpretation to this Bill — Agreed to.

"Electronic/Digital Evidence" must be:

- legally seized and protected from alteration;
- forensically acquired;
- thoughtfully analyzed (to determine who, what, when, where, why, and how);
- thoroughly documented;
- clearly reported;
- chain of custody must be maintained throughout the entire processes (*Hon. Beni Butmak Lar — Langtang North/Langtang South Federal Constituency*).

Question that the meaning of the words "Electronic/Digital Evidence" be as defined in the interpretation to this Bill — Agreed to.

"fees" includes annual subscription and other relevant fees as approved by the Institute (*Hon. Beni Butmak Lar — Langtang North/Langtang South Federal Constituency*).

Question that the meaning of the word "fees" be as defined in the interpretation to this Bill — Agreed to.

"forensics examiner-in-training" means a person who has registered for training leading to the certification examinations of the Institute (*Hon. Beni Butmak Lar — Langtang North/Langtang South Federal Constituency*).

Question that the meaning of the words "forensic examiner-in-training" be as defined in the interpretation to this Bill — Agreed to.

"Incorporated Institute" means the Computer Forensics Institute incorporated under the Companies and Allied Matters Act (Hon. Beni Butmak Lar — Langtang North/Langtang South Federal Constituency).

Question that the meaning of the words "Incorporated Institute" be as defined in the interpretation to this Bill — Agreed to.

"Institute" means the Chartered Institute of Digital Forensics of Nigeria (CIDFON) established by Section 1 of this Bill (Hon. Beni Butmak Lar — Langtang North/Langtang South Federal Constituency).

Question that the meaning of the word "Institute" be as defined in the interpretation to this Bill — Agreed to.

"Investigating Panel" means the Chartered Institute of Digital Forensics of Nigeria investigating Panel established under Section 13 of this Bill (Hon. Beni Butmak Lar — Langtang North/Langtang South Federal Constituency).

Question that the meaning of the words "Investigating Panel" be as defined in the interpretation to this Bill — Agreed to.

"MCFI" means Member Computer Forensics Institute (Hon. Beni Butmak Lar — Langtang North/Langtang South Federal Constituency).

Question that the meaning of the abbreviation "MCFI" be as defined in the interpretation to this Bill — Agreed to.

"MCIDF" means Member Chartered Institute of Digital Forensics of Nigeria (Hon. Beni Butmak Lar — Langtang North/Langtang South Federal Constituency).

Question that the meaning of the abbreviation "MCIDF" be as defined in the interpretation to this Bill — Agreed to.

"member of the Institute" means a registered, financial member of the Institute (Hon. Beni Butmak Lar — Langtang North/Langtang South Federal Constituency).

Question that the meaning of the words "member of the Institute" be as defined in the interpretation to this Bill — Agreed to.

"Minister" means the Minister charged with the responsibility for matters relating to Science, Technology and Innovation (Hon. Beni Butmak Lar — Langtang North/Langtang South Federal Constituency).

Question that the meaning of the word "Minister" be as defined in the interpretation to this Bill — Agreed to.

"President and Vice-President" means respectively the office-holders under those names in the Institute (Hon. Beni Butmak Lar — Langtang North/Langtang South Federal Constituency).

Question that the meaning of the words "President and Vice-President" be as defined in the interpretation to this Bill — Agreed to.

"profession" means the profession of digital forensics, biometrics, digital questioned documents examination and digital handwriting analysis, and other digitally-related arms of forensic sciences, such as forensics related to other emerging technologies (*Hon. Beni Butmak Lar — Langtang North/Langtang South Federal Constituency*).

Question that the meaning of the word "profession" be as defined in the interpretation to this Bill — Agreed to.

"register" means the register maintained in pursuance of Section 7 of this Bill (*Hon. Beni Butmak Lar — Langtang North/Langtang South Federal Constituency*).

Question that the meaning of the word "register" be as defined in the interpretation to this Bill — Agreed to.

"standards" means levels of quality; something used as a measure, norm, or model in comparative evaluations. The Profession is guided by International Standards of:

- the International Organization on Computer Evidence (IOCE) based in the USA;
- Association of Chief Police Officers, UK and Wales (ACPO): Good Practice Guide for Computer Based Electronic Evidence;
- National Institute of Science and Technology (NIST) based in the USA;
- ISO 17025:2017; amongst others (*Hon. Beni Butmak Lar — Langtang North/Langtang South Federal Constituency*).

Question that the meaning of the word "standards" be as defined in the interpretation to this Bill — Agreed to.

Question that Clause 22 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 23: Supervising Ministry.

As Digital Forensics is part of Forensic Sciences; the supervising Ministry for the Chartered Institute of Digital Forensics of Nigeria (CIDFON) shall be the Federal Ministry of Science, Technology and Innovation (*Hon. Beni Butmak Lar — Langtang North/Langtang South Federal Constituency*).

Question that Clause 23 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 24: Short Title.

This Bill may be cited as the Chartered Institute of Digital Forensics of Nigeria Bill, 2022 (*Hon. Beni Butmak Lar — Langtang North/Langtang South Federal Constituency*).

Question that Clause 24 stands part of the Bill — Agreed to.

SCHEDULES

FIRST SCHEDULE

[Sections 3 and 4]

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL AND BOARD

*Qualifications and Tenure of Office of Members of
the Council and Member of the Board*

1. (1) Subject to the provisions of this paragraph, a member of the Council shall hold office for a single term of five years beginning with the date of his appointment or election while Members of the Board shall hold office for a period of four (4) years each and renewable for another term of four (4) years.
- (2) Any member of the Institute who ceases to be a member thereof shall, if he is also a member of the Council or Board, cease to hold office in the Council or Board.
- (3) Any elected member of the Council or Board may, by notice in writing under his hand addressed to the President or Chairman, resign his office.
- (4) A person who retires from or otherwise ceases to be an elected member of the Council or Board shall be eligible again to become a member of the Council or Board, and any appointed member may be reappointed, but not to the same office.
- (5) Election to the Council shall be held in such manner as may be prescribed by rules made by the Council, while that of the Board shall be held in such manner as may be prescribed by rules made by the Board.
- (6) If for any reason, a member of Council or Board vacates office and:
 - (a) such member was appointed by the Minister or any other body, the Minister or that body may appoint another fit person to fill that vacancy; or
 - (b) such member was elected, the Council or Board may, if the time between the unexpired term of the office and the next general meeting of the Institute appears to warrant the filling of the vacancy, co-opt a fit person for such time as aforesaid.

Proceedings of the Council and the Board

2. (1) Subject to the provisions of this Bill, the Council and the Board may with the name of the Institute make standing orders regulating the proceedings of the Institute or of any committee thereof.
- (2) The standing orders made under sub-paragraph (1) of this paragraph shall provide for decisions to be taken by a majority of the members and, in the event of an equality of votes, the President or the Chairman shall have a second or casting vote.
- (3) Standing orders made for a committee shall be for the committee to report back to the Council or Board on any matter referred to it by the Council or Board.
- (4) The quorum of the Council and the quorum of a Committee of the Council shall one-third of its members.

- (5) The Council, Board and Committee shall reflect the Federal Character Principle.

Annual General Meeting of the Institute

3. (1) The Council shall convene the annual general meeting of the Institute on 30 June in every year or on such other day as the Council may, from time to time, appoint, so however, that if the meeting is not held within one year after the previous meeting, not more than fifteen months shall elapse between the respective dates of the two meetings. The Council shall incorporate the reports of the Certification Board into the proceedings of the annual general meeting.
- (2) A special meeting of the Institute may be convened by the Council at any time and if not less than thirty members of the Institute so require, by notice in writing addressed to the Registrar of the Council setting out the object of the proposed meeting, and the President shall convene a special meeting of the Institute with the concurrence of the Board.
- (3) The quorum of any annual general meeting of the Institute shall be fifty (50) members and that of any special meeting of the Institute shall be sixty (60) members.

Meeting of the Council and Board

4. (1) Subject to the provisions of any standing orders of the Council, the Council shall meet whenever it is summoned by the President and if the President is required to do so, by notice in writing given to him by not less than five other members of Council, he shall summon a meeting of the Council to be held within fourteen days from the date on which the notice is given.
- (2) At any meeting of the Council, the President, or in his absence the 1st Vice-President, shall preside; but if both are absent, then the 2nd Vice-President shall preside, and if all the three are absent, the members present at the meeting shall appoint one of their members to preside at the meeting.
- (3) Where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt the person as a member for such period as the Council thinks 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 Council and shall not count towards a quorum.
- (4) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the Council shall be convened after consultation with the Minister.
- (5) Subject to the provisions of any standing orders of the Board, the Board shall meet whenever it is summoned by the Chairman and if the Chairman is required to do so, by notice in writing given to him by not less than five 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.
- (6) At any meeting of the Board, the Chairman, or in his absence the Vice-Chairman, shall preside; but if both are absent, the members present at the meeting shall appoint one of their members to preside at the meeting.
- (7) 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 the Board thinks 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 a quorum.

- (8) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the Board shall be convened after consultation with the Minister Committees
5. (1) The Councilor the Board may appoint one or more committees to carry out such function on behalf of the Institute as the Council or the Board may determine.
- (2) A committee appointed under this paragraph shall consist of the number of persons determined by the Councilor Board of whom not more than one third may be persons who are not members of the Council or Board.
- (3) A person other than a member of the Councilor Board shall hold office in the committee in accordance with the terms of the letter by which he was appointed.
- (4) A decision of a committee of the Council or Board shall be of no effect until it is confirmed by the Councilor Board, as applicable.

Seal of the Institute

6. (1) The fixing of the seal of the Institute shall be authenticated by the signature of the President or of some other members of the Councilor the Board authorized generally or specially by the Institute to act for that purpose.
- (2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Institute or of the Council or Board, as the case may require, by any person generally or specially authorized to act for that purpose by the Councilor Board.
- (3) Any document purporting to be a document duly executed under the seal of the Institute shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.
7. The validity of any proceedings of the Institute or the Councilor Board or of a committee of the Councilor Board shall not be adversely affected by any vacancy in membership or by any defect in the appointment of a member of the Institute or of the Councilor Board 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.
8. Any member of the Institute or of the Council or Board and any person holding office on a committee of the Council, or Board who has a personal interest in any contract arrangement entered into or proposed to be considered by the Council or Board on behalf of the Institute or on behalf of the Councilor Board thereof, shall forth with disclose his interest to the President or to the Councilor Board, as the case may be, and shall not vote on any question relating to the contract or arrangement.
9. A person shall not by reason only of his membership of the Institute be treated as holding an office in the public service of the Federation (*Hon. Beni Butmak Lar — Langtang North/Langtang South Federal Constituency*).

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

SECOND SCHEDULE

[Section 12 (5)]

SUPPLEMENTARY PROVISIONS RELATING TO THE
DISCIPLINARY TRIBUNAL AND INVESTIGATING PANEL*The Disciplinary Tribunal*

1. (1) The Disciplinary Tribunal shall consist of eleven members as provided in Section 13 (2) of this Bill.
- (2) The quorum of the Disciplinary Tribunal for any proceeding shall be seven (7).
2. (1) The Attorney-General of the Federation may make rules as to the selection of other members of the Disciplinary Tribunal for the purpose of any proceeding, and as to the procedure to be followed and the rules of evidence to be observed in proceedings before the Disciplinary Tribunal.
- (2) The rules shall in particular provide:
 - (a) for securing that notice of the proceedings shall be given at such time and in such manner as may be specified by the rule to the person who is the subject of the proceeding
 - (b) for determining who, in addition to the person 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 Disciplinary Tribunal;
 - (d) for securing that any party to the proceedings may be represented by a legal practitioner;
 - (e) subject to the provisions of section 13 (5) of this Bill, as to the costs of proceedings before the Disciplinary Tribunal;
 - (f) for requiring, in a case where it is alleged that the person who is the subject of the proceedings is guilty of professional misconduct, that where the Disciplinary 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 Gazette notice of any direction of the Disciplinary Tribunal which has taken effect providing that a person's name shall be struck off a register.
3. For the purposes of any proceedings before the Disciplinary Tribunal any member of the Disciplinary Tribunal may administer oaths and any party to the proceedings may file at the registry of the High Court writs of subpoena ad testificandum and duces tecum, but no person appearing before the Disciplinary Tribunal shall be compelled:
 - (a) to make any statement before the Disciplinary Tribunal tending to incriminate himself; or

- (b) to produce any document under such a writ which he could not be compelled to produce at the trial of an action.
4. (1) For the purpose of advising the Disciplinary Tribunal on questions of law arising in proceedings before it, there shall in all such proceedings be an assessor to the Disciplinary Tribunal who shall be appointed by the Council on the nomination of the Attorney-General of the Federation and shall be a legal practitioner of not less than seven years' standing.
- (2) The Attorney- General of the Federation shall make rules as to the functions of assessors appointed under this paragraph and in particular such rules shall contain provisions for securing:
- (a) that where an assessor advises the Disciplinary Tribunal on any question of law as to evidence, procedure or any other matters specified by the rules, he shall do so in the presence of every party or person representing a party to the proceedings who appears there at or, if the advice is tendered while the Disciplinary 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 such party or person as aforesaid shall be informed if in any case the Disciplinary Tribunal does not accept the advice of the assessor on such a question as aforesaid.
- (3) An assessor may be appointed under this paragraph either generally or for any particular proceedings or class of proceedings and shall hold and vacate office in accordance with the terms of the letter by which he is appointed.

The Investigating Panel

4. The quorum of the Investigating Panel shall be three.
5. (1) The Investigating Panel may, at any of its meetings attended by all the members of the Investigating Panel, make standing orders with respect to the Investigating Panel.
- (2) Subject to the provisions of any such standing orders, the Investigating Panel may regulate its own procedures Miscellaneous
6. (1) A person ceasing to be a member of the Disciplinary Tribunal or the Investigating Panel shall be eligible for appointment as a member of the Disciplinary Tribunal or Investigating Panel, as the case may be.
- (2) A person may, if otherwise eligible, be a member of both the Disciplinary Tribunal and the Investigating Panel; but no person who acted as a member of the Investigating Panel with respect to any case shall act as a member of the Disciplinary Tribunal with respect to that case.
7. The Disciplinary Tribunal or the Investigating Panel may act notwithstanding any vacancy in its membership, and the proceedings of either body shall not be invalidated by any irregularity in the appointment of a member of that body or subject to paragraph 7(2) of this Schedule by reason of the fact that any person who was not entitled to do so took part in the proceedings of that body.
8. Any document authorized or required by virtue of this Bill to be served on the Disciplinary Tribunal or the Investigating Panel shall be served on the Registrar.

9. Any expenses of the Disciplinary Tribunal or the Investigating Panel shall be defrayed by the Institute (*Hon. Beni Butmak Lar — Langtang North/Langtang South Federal Constituency*).

Question that the provisions of the Second Schedule stand part of the Bill — Agreed to.

THIRD SCHEDULE

TRANSITIONAL PROVISIONS AS TO PROPERTY, ETC.

Transfer of Assets and Liabilities

1. (1) Every agreement to which the Incorporated Institute was a party immediately before the commencement of this Bill, whether in writing or not and whether or not of such a nature that the rights, liabilities and obligations there under could be assigned by the Incorporated Institute, shall, unless its terms or subject matter make it impossible that it should have effect as modified in the manner provided by this sub-paragraph have effect from the commencement of this Bill, so far as it relates to assets and liabilities transferred by this Bill to the Institute, as if:
- (a) the Institute had been a party to the agreement;
 - (b) for any reference (however worded and whether express or implied) to the Incorporated Institute, there were substituted, as respects anything failing to be done or after the commencement of this Bill, a reference to the Institute; and
 - (c) for any reference (however worded and whether express or implied) to a member or members of the Council of the Incorporated Institute or an officer of the Incorporated Institute, there were substituted, as respects anything falling to be done on or after the commencement of this Bill, a reference to a member or members of the Council under this Bill or the officer of the Incorporated Institute who corresponds as nearly as may be to the member or officer in question of the Incorporated Institute.
- (2) Other documents which refer, whether specially or generally, to the Incorporated Institute, shall be considered in accordance with sub-paragraph (1) of this paragraph so far as applicable.
- (3) Without prejudice to the generality of the foregoing provisions of this Schedule where, by the operation of this Bill, any right, liability or obligation vests in the Institute and all other persons shall, as from the commencement of this Bill, have the same rights, power and remedies (and, in particular, the same rights as to the taking or resisting of legal proceedings or the making or resisting of applications to any authority) for ascertaining, perfecting or enforcing that right, liability or obligation as they would have had if it had at all times been a right, liability or obligation of the Institute.
- (4) Any legal proceedings or application to any authority pending on the appointed day by or against the Incorporated Institute and relating to assets or liabilities transferred by this Bill to the Institute may be continued on or after that day or against the Institute.
- (5) If the law in force at the place where any property transferred by this Bill is situate provides for the registration or transfers of property, the law shall, so far it provides for alterations of a register (but not for avoidance of transfers, the payment of fees or any other matters apply with the necessary modifications to the transfer to the

officer of the registration authority, and for that officer to register the transfer accordingly.

Transfer of Functions, etc.

2. (1) At its first meeting, the Council shall fix a date (not later than six months after the appointed day) for the annual meeting of the Institute,
- (2) The members of the Council of the Incorporated Institute shall be deemed to be the members of the Council of the Institute until the date determined in pursuance of the foregoing subparagraph when the Institute shall have its first annual meeting and they shall cease to hold office at the conclusion of such meeting.
- (3) Any person who, immediately before the appointed day, held office as the President or 1st Vice-President or 2nd Vice President of the Council of the Incorporated Institute by virtue of the articles of the Incorporated Institute shall on that day become the President or, as the case may be, the 1st Vice-President or 2nd Vice President of the Institute, and any person being an office-holder on or member of the Council and the Board of the Incorporated Institute immediately before the appointed day shall be deemed under this paragraph to have been appointed to any like position in the Institute, or on the Council or the Board of the Institute.
- (4) The financial members of the Incorporated Institute who have successfully undergone security vetting against criminal records conducted by the Nigeria Police Force, shall, as from the appointed day, be registered as members of the Institute, and without prejudice to the generality of the provisions of this Schedule relating to the transfer of property, any person, who, immediately before the appointed day, was a member of the staff of the Incorporated Institute shall on that day become the holder of an appointment with the Institute with the status, designation and functions which correspond as nearly as may be to those which appertained to him in his capacity as a member of the staff.
- (5) Any person being an office-holder on or member of the Council and the Board of the Incorporated Institute immediately before the appointed day and deemed under this paragraph to have been appointed to any like position in the Institute, or on the Council or the Board of the Institute and thereafter ceasing to hold office otherwise than by reason of his misconduct, shall be eligible for appointment to office in the Institute or to membership of the Council or Board, as the case may be.
- (6) All new Council or Board positions that were non-existent in the Incorporated Institute before the appointed day shall be contested for by election at the general meeting of the Institute, except those nominated by the designated organizations.
- (7) All regulations, rules and similar instruments made for the purposes of the Incorporated Institute and in force immediately before the appointed day shall, except in so far as they are subsequently revoked or amended by any authority having power in that behalf, have effect, with any necessary modifications, as if duly made for the corresponding purposes of the institute (*Hon. Beni Butmak Lar — Langtang North/Langtang South Federal Constituency*).

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

FOURTH SCHEDULE

[Section 9]

Professional Bodies Certified Cyber Forensics Professionals (ISC)2 Computer Hacking Forensic Investigator-CHFI I EC- Council.

The International Assurance Certification Review Board (IACRB).

The Certified Computer Forensics Examiner (CCFE).

The International Society of Forensic Computer Examiners (ISFCE) (*Hon. Beni Butmak Lar — Langtang North/Langtang South Federal Constituency*).

Question that the provisions of the Fourth Schedule stand part of the Bill — Agreed to.

Explanatory Memorandum:

This Bill seeks to establish the Chartered Institute of Digital Forensics of Nigeria (CIDFON) charged, among other things, with the responsibility of Regulating the practice, including: qualification, training, skill-set of Digital Forensics in Nigeria; determining the standard of knowledge and skill required of persons seeking to become Members of the Institute; training, certification and licensing of Digital Forensics Examiners who can investigate Cybercrimes and Terrestrial crimes using Digital Forensics Methodologies and report and present Electronic Evidence in the courts, administrative panels of inquiry, court martials and tribunals; establishment and accreditation of Digital Forensics Laboratories and for other matters connected therewith; and developing of Digital Forensic Curriculums; and Accreditation of Digital Forensics Courses in Institutions of Learning in Nigeria (in collaboration with appropriate organ(s) of government); Licensing of Distributors and Resellers of Forensic Tools in Nigeria; Certification of Digital Forensic Tools in Nigeria (in collaboration with appropriate organ(s) of government); Enforcement of standards and ethics in the practice of Digital Forensics in Nigeria (*Hon. Beni Butmak Lar — Langtang North/Langtang South Federal Constituency*).

Agreed to.

Long Title:

A Bill for an Act to Establish the Chartered Institute of Digital Forensics of Nigeria and for Related Matters (HB. 1491) (*Hon. Beni Butmak Lar — Langtang North/Langtang South Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report of the Committee on Science and Technology on a Bill for an Act to Establish Chartered Institute of Computer Forensics of Nigeria; and for Related Matters (HB. 1491) and approved Clauses 1 - 24, the Schedules, the Explanatory Memorandum, and the Long Title of the Bill.

Question that the House do adopt the Report of the Committee of the Whole — Agreed to.

- (x) **Committee on Tertiary Education and Services:**
Motion made and Question proposed, "That the House do consider the Report of the Committee on Tertiary Education and Services on a Bill for an Act to Provide for Establishment of Joseph Sarwuan Tarka University, Makurdi; and for Related Matters (HB.1661)" (*Hon. John Dyeugh — Gboko/Tarka Federal Constituency*).

Agreed to.

Question that the House do resolve into the Committee of the Whole to consider the Report — Agreed to.

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO PROVIDE FOR THE ESTABLISHMENT
 OF JOSEPH SARWUAN TARKA UNIVERSITY, MAKURDI;
 AND FOR RELATED MATTERS (IIB. 1661)

Committee's Recommendation:

Clause 1: Establishment and Objects of the Joseph Sarwuan Tarka University.

- (1) There is hereby established the Joseph Sarwuan Tarka University, Makurdi, Benue State (in this Bill referred to as "the University").
- (2) (a) The University:
 - (i) shall be a body corporate with perpetual succession and a common seal;
 - (ii) may sue and be sued in its corporate name; and
 - (iii) shall have power to acquire, hold and dispose of movable and immovable properties.
- (b) Provide regular and liberal courses of instruction in Humanities, the sciences and other spheres of learning of standard required and expected of a University of the highest standing.
- (3) The general objects of the University 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, the opportunity of acquiring a higher and liberal education;
 - (b) provide courses of instruction and other facilities for the pursuit of learning leading to award of diplomas, first degree, postgraduate research and higher degrees in all its branches, and to make those facilities available on proper terms to such persons as are equipped to benefit from them;
 - (c) encourage and promote scholarship and conduct research in all fields of learning and human endeavour;
 - (d) relate its activities to the social, cultural and economic needs of the people of Nigeria; and

- (e) undertake any other activities appropriate for a university of the highest standard (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 1 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 2: Composition of the University.

- (1) The University shall consist of:
- (a) Chancellor;
 - (b) Pro-Chancellor and a Council;
 - (c) Vice-Chancellor and a Senate;
 - (d) Deputy Vice-Chancellor(s);
 - (e) a body to be called Congregation;
 - (f) a body to be called Convocation;
 - (g) Campus and colleges of the University;
 - (h) Schools, Institutes and other teaching and research units of the University;
 - (i) the persons holding the offices constituted by the First Schedule to this Bill other than those mentioned in paragraph (a) to (d) of this subsection;
 - (j) all graduates and undergraduate of the University; and
 - (k) all other persons who are members of the University in accordance with provisions made by statute in that behalf.
- (2) The First Schedule to this Bill shall have effect with respect to the principal officers of the University.
- (3) Provision shall be made by statute to the constitution of the following bodies, namely the Council, the Senate, Congregation and Convocation (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 2 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 3: Powers of the University and their Exercises.

- (1) For the carrying out of its objects as specified in section 2 of this Bill, the University shall have power:
- (a) to establish such campuses, colleges, institutes, schools, extra-mural departments and other teaching and research units within the University as may from time to time, be deemed necessary or desirable, subject to the approval of the National Universities Commission;

- (b) to institute professorship, readerships or associate professorships, lectureships and other posts and offices and to make appointment thereto;
- (c) to institute and award fellowships, scholarships, exhibitions, bursaries, medals, prizes and other titles, distinctions, awards and other forms of assistance;
- (d) to provide for the discipline and welfare of members of the University;
- (e) to hold examinations and grant degrees, diplomas, certificates and other distinctions to persons who have pursued a course of study approved by the University and have satisfied such other requirements as the University may lay down;
- (f) to grant honorary degree, fellowships or academic titles;
- (g) to demand and receive from any student or any other person attending the University for the purpose of instructions such fees as the university may from time to time, determine subject to the overall directives of the Council;
- (h) subject to section 22 of this Bill, to acquire, hold, grant, charge or otherwise deal with or dispose of movable and immovable property wherever situate;
- (i) to accept gifts, legacies and donations, but without obligation to accept the same for a particular purpose unless it approves the terms and conditions attaching thereto;
- (j) to enter into contracts, establish trusts, act as trustee, solely or jointly with any other person and employ and act through agents;
- (k) to erect, provide, equip and maintain libraries, laboratories, lecture halls, halls of residence, refectories, sports grounds, playing fields, and other buildings, or things necessary or suitable or convenient for any of the object of the University;
- (l) to hold public lectures and to undertake printing, publishing and book-selling;
- (m) subject to any limitations on conditions imposed by statute, to invest any money appertaining to the University by way of endowment, not being immediately required for current expenditure, in any investments or securities or the purchase or improvement of land, with power from time to time to vary any such investments and to deposit any money for the time being not invested with any bank on deposit or current account;
- (n) to borrow, whether on interest or not if need be upon the security of any or all of the property, movable or immovable, of the University, and moneys as the Council may, from time to time, in its discretion find it necessary to borrow or to guarantee any loan, advances or credit facilities;

- (o) to do anything which it is authorized or required by the Bill or by statutes to do; and
 - (p) to do all such acts or things, incidental to the foregoing powers, as may advance the object of the University.
- (2) Subject to the provision of this Bill and of the statutes and without prejudice to section 8 (2) of this Bill, the powers conferred on the University by subsection (1) of this section shall be exercisable on behalf of the University by the Council or by the Senate or in any other manner which may be authorized by statute;
- (3) The power of the University to establish further campuses and colleges within the University shall be exercisable by statute and not otherwise (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 3 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 4: Functions of the Chancellor.

- (1) The Chancellor shall, in relation to the University, take precedence before all other members of the University and when he is present shall preside at all meetings of the Convocation held for conferring degrees, certificates and other awards of the university.
- (2) The Chancellor shall exercise such other powers and perform such other duties as may be conferred or imposed on him by this Bill or the statutes (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 4 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 5: Functions of the Pro-Chancellor.

- (1) The Pro-Chancellor shall, in relation to the University, take precedence before all other members of the University, except the Chancellor and except the Vice-Chancellor when acting as Chairman of Congregation or Convocation and the Pro-Chancellor shall, when he is present, be the chairman at all meetings of the Council.
- (2) Subject to the provisions of this Bill, the Pro-Chancellor shall hold office for period of four years beginning with the date of his appointment (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 5 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 6: Composition of the Council.

- (1) The Council of each University shall consist of:
 - (a) the Pro-Chancellor;
 - (b) the Vice-Chancellor;
 - (c) the Deputy Vice-Chancellor (s);
 - (d) one person from the Ministry responsible for education;

- (e) four persons representing a variety of interests and broadly representative of the whole Federation to be appointed by the President;
 - (f) four persons appointed by the Senate from among its members;
 - (g) two persons appointed by the Congregation from among its members;
 - (h) one person appointed from among its members.
- (2) Persons to be appointed to the Council shall be persons of proven integrity, knowledgeable and familiar with the affairs and tradition of the University (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 6 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 7: Functions of the Council and its Finance and General Purposes Committee.

- (1) Subject to the provisions of this Bill relating to the Visitor, the Council shall be the governing body of each University and shall be charged with the general control and superintendence of the policy, finance and property of the University including its public relations.
- (2) There shall be a committee of the Council to be known as the Finance and General Purposes Committee, which shall subject to the directions of the Council, exercise control over the property and expenditure of the University and perform such other functions of the Council as the Council may, from time to time, delegate to it.
- (3) Provision shall be made by statute with respect to the constitution of the Finance and General Purposes Committee.
- (4) The Council shall ensure that proper accounts of the university are kept and that the accounts of the University are audited annually by an independent firm of auditors approved by the Council, and that an annual report shall be published by the University together with certified copies of the said accounts as audited.
- (5) Subject to the Bill and the statutes, the Council and the Finance and General Purposes Committee may each make rules for regulating their own procedure.
- (6) Rules made under subsection (5) of this section by the Finance and General Purposes Committee shall not come into force unless approved by the Council; and in so far and to the extent that any rules so made by that Committee conflict with any directions given by the Council (whether before or after the coming into force of the rules in question), the directions of the Council shall prevail.
- (7) There shall be paid to the members of the Council, the Finance and General Purposes Committee respectively and of any other committee set up by the Council an allowance in respect of travelling and other reasonable expenses, at such rates as may, from time to time, be fixed by extant government circulars.

- (8) The Council shall meet as and when necessary for the performance of its functions under this Bill and shall meet at least three times in every year.
- (9) If requested in writing by any five members of the Council the Chairman shall within 28 days after the receipt of such request call a meeting of the Council. Provided that after 28 days of the receipt or delivery to him of such request, the Chairman fails or neglects to call a meeting, the Registrar shall within 14 days thereafter cause a meeting of the Council to be convened for that purpose.
- (10) Any request made under subsection (9) of this section shall specify the business to be considered at the meeting and a business not so specified shall not be transacted at the meeting (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 7 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 8: Functions of the Vice-Chancellor.

- (1) Subject to section 7 of this Bill and subsections (3) and (4) of this section and to the provisions of this Bill relating to the Visitor, it shall be the general function of the Senate to organize and control the teaching by the University, the admission of students where no other enactment provides to the contrary and the discipline of students, and to promote research at the University.
- (2) Without prejudice to the generality of subsection (1) of this section and subject as there mentioned, it shall in particular be the function of the Senate to make provision for:
- (a) the establishment and organization and control of campuses, colleges, schools, institute and other teaching and research units of the University and allocation of responsibility for different branches of learning;
 - (b) the organization and control of courses of study in the University and of the examination held in conjunction with those courses, including the appointment of examiners, both internal and external;
 - (c) the award of degrees, and such other qualifications as may be prescribed, in connection with examination held as aforesaid;
 - (d) the making of recommendations to the Council with respect to the award to any person of an honorary fellowship or degree or the title of professor emeritus;
 - (e) the establishment, organization and control of halls of residence and similar institutions at the University;
 - (f) the supervision of the welfare of students at the University and the regulation of their conduct;
 - (g) the granting of fellowships, scholarships, prizes and similar awards in so far as the awards are within the control of the University;
 - (h) determining what description of dress shall be academic dress for the purpose of the university and regulating the use of academic dress.

- (3) The Senate shall not establish any new campus, college, school, department, institute or other teaching and research units of this university without the approval of the Council.
- (4) Subject to this Bill and statutes, the Senate may make regulations for the purpose of exercising any function conferred on it either by the foregoing provisions of this section or otherwise or for the purpose of making provisions for any matter for which provision by regulations is authorized or required by this Bill or by statute.
- (5) Regulations shall provide that at least one of the person appointed as the examiner at each final or professional examination held in conjunction with any course of study at the University, as may be prescribed by the Senate from time to time, is not a teacher at the University but is a teacher of the branch of learning to which the course relates at some other university of high repute or a person engaged in practicing the profession in a reputable organization or institution.
- (6) Subject to a right of appeal to the Council from a decision of the Senate under this subsection the Senate may deprive any person of any degree, diploma or other award of the university which has been conferred upon him if after due enquiry he is shown to have been guilty of dishonourable or scandalous conduct in gaining admission into the University or obtaining that award (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 8 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 9: Functions of the Vice-Chancellor.

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

Question that Clause 9 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 10: Savings and Transfer of Property to the Joseph Sarwuan Tarka University.

- (1) All statutory functions, rights, interests, obligations, liabilities and properties of the Joseph Sarwuan Tarka University, Makurdi existing before the commencement of this Bill under any contract, or instrument, or in law or in equity, shall by virtue of this Bill be deemed to have been assigned to and vested in the Joseph Sarwuan Tarka University Makurdi established under this Bill.
- (2) The provision of the Second Schedule to this Bill shall have effect with respect to the other matters arising from the transfer of property by this section and with respect to the other matters mentioned in that schedule (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 10 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 11: Power of the University to make Statutes.

- (1) Subject to this Bill, the University may make statutes for any of the following purpose, that is to say:
 - (a) making provision with respect to the composition and constitution of any authority of the University;
 - (b) specifying and regulating the powers and duties of any authority of the University and regulating any other matter connected with the University or any of its authorities;
 - (c) regulating the admission of students (where no other enactment provides to the contrary), and their discipline and welfare;
 - (d) determining whether any particular matter is to be treated as an academic or non-academic matter for the purpose of this Bill and of any statute, regulation or other instrument made there- under; and
 - (e) making provision for any other matter for which provision by statute is authorized or required by this Bill.
- (2) Subject to section 27 (6) of this Bill, the Interpretation Act shall apply in relation to any statute made under this section as it applies to a subsidiary instrument within the meaning of section 27 (1) of that Act.
- (3) The statute contained in the Second Schedule to this Bill shall be deemed to have been into force on the commencement of this section of this Bill and shall be deemed to have been made under this section by the University.
- (4) The power to make statutes conferred by this section shall not be prejudiced or limited in any way by reason of the inclusion or omission of any matter in or from the statute contained in the Second Schedule to this Bill or any subsequent statute (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 11 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 12: Mode of exercising power to make status.

- (1) The power of the University to make statutes shall be exercised in accordance with the provisions of the section and not otherwise.
- (2) A proposed statute shall not become law unless it has been approved:
 - (a) at a meeting of the Senate, by the votes of not less two thirds of the members present and voting; and
 - (b) at a meeting of the Council, by the votes of not less than two thirds of the members present and voting.
- (3) A proposed statute may originate either in the Senate or in the Council, and may be approved as required by subsection (2) of this section by either one of those bodies before the other.

- (4) A statute which makes provision for or alters the composition or constitution of the Council, the Senate or any other authority of the University shall not come into operation unless it has been approved by the President in consultation with the National Universities Commission.
- (5) For the purpose of section 1 (2) of the Interpretation Act, a statute shall be treated as being made on the date on which it is duly approved by the Council after having been approved by the Senate, as the case may be or, in the case of a statute falling within sub-section (4) of this section, on the date on which it is approved by the Visitor.
- (6) In the event of any doubt or dispute arising any time:
- (a) as to the meaning of any provision of a statute; or
- (b) as to whether any matter is for the purpose of this Bill an academic matter as they relate to such doubt or dispute, the matter may be referred to the Visitor, who shall take such advice and make such decision therein as he shall think fit.
- (7) The decision of the Visitor on any matter referred to him under sub-section (6) of this section shall be binding upon the authorities, staff and students of the University and where any question as to the meaning of any provision of a statute has been decided by the Visitor under that sub-section, no question as to the meaning of that provision shall be entertained by any court of law in Nigeria.
- (8) Nothing in sub-section (7) of this section shall affect any power of a court of competent jurisdiction to determine whether any provision of a statute is wholly or partly void as being ultra vires or as being inconsistent with the Constitution of the Federal Republic of Nigeria, 1999 (as amended) (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 12 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 13: Proof of Statues.

A statute may be proved in any court by the production of a copy thereto bearing affixed to it a certificate purporting to be signed by the Vice-Chancellor or the Secretary to the Council to the effect that the copy is a true copy of a statute of the University (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 13 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 14: The Visitor.

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

reasonably require for the purposes of a visitation (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 14 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 15: Removal of certain Members of Council.

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

Question that Clause 15 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 16: Removal and discipline of Academic, Administrative and Professional Staff.

- (1) If it appears to the Council that there are reasons for believing that any person employed as a member of the academic, administrative or professional staff of the University, other than the Vice-Chancellor, should be removed from his office or employment on the ground of misconduct or of inability to perform the functions of his office or employment, the Council shall:
 - (a) give notice of those reasons to the person in question;
 - (b) afford him an opportunity of making representations in person on the matter to Council;
 - (c) if he so requests or any three members of the Council so request within the period of one month beginning with the date of the notice, make arrangements —
 - (i) for a joint committee of the Council and Senate to investigate the matter and to report on it to the Council; and
 - (ii) for the person in question to be afforded an opportunity of appearing before and being heard by the investigating committee with respect to the matter, and
 - (d) if the Council, after considering the report of the Staff Disciplinary Committee, is satisfied that the person in question should be removed as aforesaid, the Council may so remove him by an instrument in writing signed on the directions of the Council.
- (2) The Vice-Chancellor may, in case of misconduct by a member of the staff which in the opinion of the Vice-Chancellor is prejudicial to the interest of

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

signed in pursuance of subsection (1) of this section to use his best endeavours to cause a copy of the instrument to be served as soon as reasonably practicable on the person to whom it relates.

- (7) Nothing in the foregoing provisions of this section shall:
- (a) apply to any directive given by the Visitor in consequence of any visitation; or
 - (b) prevent the Council from making regulations for the discipline of other categories of workers of the University as may be prescribed (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 16 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 17: Procedure for Staff Discipline.

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

Question that Clause 17 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 18: Appointment of external examiner.

Subject to the provision of regulations made in pursuance to this Bill, the Vice-Chancellor may on the recommendation of Senate, appoint an appropriate person as external examiner (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 18 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 19: Removal of Examiners.

- (1) If, on the recommendation of the Senate, it appears to the Vice-Chancellor that a person appointed as an examiner for any examination of the University ought to be removed from his office or appointment, then, except in such cases as may be prescribed by the Vice-Chancellor may, after affording the examiner an opportunity of making representations in person on the matter to the Vice-Chancellor, remove the examiner from the appointment by an instrument in writing signed by the Vice-Chancellor.
- (2) Subject to the provisions of regulations made in pursuance of section (5) of this Bill, the Vice-Chancellor may, on the recommendation of the Senate, appoint an appropriate person as examiner in the place of the examiner removed in pursuance of subsection (1) of this section.

- (3) It shall be the duty of the Vice-Chancellor, to sign an instrument of removal pursuant to this section, to use his best endeavours to cause a copy of the instrument to be served as soon as reasonably practicable on the person to whom it relates (*Hon. Aminu Suleiman — Page Federal Constituency*).

Question that Clause 19 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 20: Discipline of Students.

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

Nothing in this section shall affect any power of a court of competent jurisdiction to enforce the fundamental rights of any aggrieved citizen as enshrined in the Constitution of the Federal Republic of Nigeria 1999 (as amended) (Hon. Aminu Suleiman — Fagge Federal Constituency).

Question that Clause 20 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 21: Exclusion of discrimination on account of race, religion, etc.

(1) No person shall be required to satisfy requirements as to any of the following matters, that is to say, race (including ethnic grouping), sex, place of birth or of family origin, or religious or political persuasion, as a condition of becoming or continuing to be a student at the university, the holder of any degree of the University or of any appointment or employment at the university, or a member of any body established by virtue of this Act; and no person shall be subject to any disadvantage or accorded any advantage in relation to the University by reference to any of those matters.

(2) Nothing in subsection (1) of this section shall be construed as preventing the University from imposing any disability or restriction on any of the persons mentioned in that subsection where such person willfully refuses or fails on grounds of religious belief to undertake any duty generally and uniformly imposed on all such persons or any group of them which duty, having regard to its nature and the special circumstances pertaining thereto, is in the opinion of the University reasonably justifiable in the national interest (Hon. Aminu Suleiman — Fagge Federal Constituency).

Question that Clause 21 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 22: Restriction on disposal of land by University

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

Provided that such consent shall not be required in the case of any lease or tenancy for a term not exceeding 21 years or any lease or tenancy to a member of the University for residential purpose (Hon. Aminu Suleiman — Fagge Federal Constituency)

Question that Clause 22 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 23: Quorum and procedure of bodies established by this Bill.

Except as may be otherwise provided by statute or by regulations, the quorum and procedure of any body of persons established by this Bill shall be as determined by that body (Hon. Aminu Suleiman — Fagge Federal Constituency)

Question that Clause 23 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 24: Appointment of Committees, etc.

(1) Anybody of persons established by this Bill shall, without prejudice to the

generality of the powers of that body, have power to appoint committees, which need not consist exclusively of members of that body, and to authorize a committee established by it to:

- (a) exercise, on its behalf, such of its functions as it may determine;
 - (b) co-opt members, and may direct that whether or not co-opted members (if any) shall be entitled to vote in that committee.
- (2) Any two or more such bodies may arrange for the holding of joint meetings of those bodies, or for the appointment of committees consisting of members of those bodies or any of them, and either of dealing with it or of reporting on it to those bodies or any of them.
 - (3) Except as may be otherwise provided by statute or by regulations, the quorum and procedure of a committee established or meeting held in pursuance of this section, shall be such as may be determined by the body or bodies which have decided to establish the committee or hold the meeting.
 - (4) Nothing in the provisions of this section shall be construed as enabling:
 - (a) the statute to be made otherwise than in accordance with section 12 of this Bill; or
 - (b) the Senate to empower any other body to make regulations or to award degrees or other qualifications
 - (5) The Pro-Chancellor and the Vice-Chancellor shall be members of every committee of which the members are wholly or partly appointed by the Council (other than a committee appointed to inquire into the conduct of the officer in question); and the Vice-Chancellor shall be a member of every committee of which the members are wholly or partly appointed by the Senate (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 24 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 25: Retiring age of Academic Staff of the University.

- (1) Notwithstanding anything to the contrary in the Pension Act, the compulsory retiring age of an academic staff of the University shall be 65 years except for those in the professorial cadre which is 70 years.
- (2) A law or rule requiring a person to retire from the public service after serving for 35 years shall not apply to an academic staff of each University (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 25 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 26: Special provision relating to pension of Professors.

- (1) A person who retires as a professor having served:
 - (a) an academic staff who retires as a professor in a recognized university shall be entitled to pension at a rate equivalent his annual salary provided that the professor has served continuously in recognized university up to retirement age

- (b) notwithstanding subsection (1) where the professors has not served up to retirement age he shall be entitled to the rate of pension mentioned under subsection (1) provided that he has served a minimum of 20 years as a professor in a recognized university.
- (c) where an academics joins a Nigerian university as a professor, such a professor shall have served continuously for at least (20) years in a recognized university (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 26 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 27: Miscellaneous administrative provisions.

- (1) The seal of the University shall be such as may be determined by the Council and approved by the Chancellor, and the affixing of the seal shall be authenticated by any member of the Council and by the Vice-Chancellor, secretary to the Council or any other person authorized by statute.
- (2) Any document purporting to be a document executed under the seal of the University shall be received in evidence and shall, unless the contrary is proved, be presumed to be so executed.
- (3) Any contract or instrument which if made or executed by a person not being a body corporate would not be required to be under seal, may be made or executed on behalf of the University by any person generally or specially authorized to do so by the Council.
- (4) The validity of any proceedings of anybody established in pursuance of this Bill shall not be affected by any vacancy in the membership of the body, or by any defect in the appointment of a member of the body or by reason that any person not entitled to do so took part in the preceding.
- (5) Any member of any such body who has a personal interest in any matter proposed to be considered by that body shall forthwith disclose his interest to the body and shall vote on any question relating to that matter.
- (6) Nothing in section 12 of the Interpretation Act (which provides for the application in relation to subordinate legislation of certain incidental provisions) shall apply to statutes of regulations made in pursuance of this Bill.
- (7) The power conferred by this Bill on anybody to make statutes or regulations shall include power to revoke or vary any statute (including the statute contained in the Third Schedule of this Bill) or any regulation by a subsequent statute or, as the case may be, by a subsequent regulation and statutes and regulations may make different provisions in relation to different circumstances.
- (8) No stamp duty or other duty shall be payable in respect of any transfer of property to the University by virtue of section 10 or section 22 of this Bill or the Second Schedule to this Bill.
- (9) Any notice or other instrument authorized to be served by virtue of this Act may, without prejudice to any other mode of service, be served by post (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 27 stands part of the Bill — Agreed to.

Clause 28: Repeal.

Sections 1 (2) (b) and 2 (1) (b) of the Federal Universities of Agriculture Act, Laws of the Federation of Nigeria, 2004 are hereby repealed.

Committee's Recommendation:

Leave out Clause 28 (Hon. Aminu Suleiman — Fagge Federal Constituency).

Agreed to.

Committee's Recommendation:

Clause 29: Interpretation.

(1) In this Bill, unless the context otherwise requires:

"Campus" means any campus which may be established by the University (Hon. Aminu Suleiman — Fagge Federal Constituency).

Question that the meaning of the word "Campus" be as defined in the interpretation to this Bill — Agreed to.

"College" means the College which may be established by the University (Hon. Aminu Suleiman — Fagge Federal Constituency).

Question that the meaning of the word "College" be as defined in the interpretation to this Bill — Agreed to.

"Council" means the Council established pursuant to section 2 (1) (b) of this Bill for the University (Hon. Aminu Suleiman — Fagge Federal Constituency).

Question that the meaning of the word "Council" be as defined in the interpretation to this Bill — Agreed to.

"Graduate" means a person on whom a degree, (other than an honorary degree) has been conferred by the University (Hon. Aminu Suleiman — Fagge Federal Constituency).

Question that the meaning of the word "Graduate" be as defined in the interpretation to this Bill — Agreed to.

"Minister" means the Minister charged with responsibility for education (Hon. Aminu Suleiman — Fagge Federal Constituency).

Question that the meaning of the word "Minister" be as defined in the interpretation to this Bill — Agreed to.

"Notice" means notice in writing (Hon. Aminu Suleiman — Fagge Federal Constituency).

Question that the meaning of the word "Notice" be as defined in the interpretation to this Bill — Agreed to.

"Officer" does not include the Visitor (Hon. Aminu Suleiman — Fagge Federal Constituency).

Question that the meaning of the word "Officer" be as defined in the interpretation to this Bill — Agreed to.

"Prescribed" means prescribed by statute or regulations (Hon. Aminu Suleiman — Fagge Federal Constituency).

Question that the meaning of the word "Prescribed" be as defined in the interpretation to this Bill — Agreed to.

"Professor" means a person designated as a professor of the University in accordance with provisions made in that behalf by statute or by regulations (Hon. Aminu Suleiman — Fagge Federal Constituency).

Question that the meaning of the word "Professor" be as defined in the interpretation to this Bill — Agreed to.

"Property" includes rights, liabilities and obligations (Hon. Aminu Suleiman — Fagge Federal Constituency).

Question that the meaning of the word "property" be as defined in the interpretation to this Bill — Agreed to.

"Provisional Council" means the provisional council appointed for the University (Hon. Aminu Suleiman — Fagge Federal Constituency).

Question that the meaning of the words "provisional Council" be as defined in the interpretation to this Bill — Agreed to.

"Regulations" means regulations made by the Senate or the Council (Hon. Aminu Suleiman — Fagge Federal Constituency).

Question that the meaning of the word "Regulations" be as defined in the interpretation to this Bill — Agreed to.

"Senate" means the Senate of the University established pursuant to section 2 (i) (c) of this Bill (Hon. Aminu Suleiman — Fagge Federal Constituency).

Question that the meaning of the word "Senate" be as defined in the interpretation to this Bill — Agreed to.

"School" means a unit of closely related academic programs (Hon. Aminu Suleiman — Fagge Federal Constituency).

Question that the meaning of the word "School" be as defined in the interpretation to this Bill — Agreed to.

"Statute" means a statute made by each University under section 11 of this Bill and in accordance with the provisions of section 12 of this Bill, and like statutes" means all such statutes as are in force from time to time (Hon. Aminu Suleiman — Fagge Federal Constituency).

Question that the meaning of the word "Statute" be as defined in the interpretation to this Bill — Agreed to.

"Teacher" means a person holding a full-time appointment as a member of the teaching or research staff of the University (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that the meaning of the word "Teacher" be as defined in the interpretation to this Bill — Agreed to.

"Undergraduate" means a person in statu pupillariat with the University other than:

- (a) a graduate; and
- (b) a person of such description as may be prescribed for the purpose of the definition (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that the meaning of the word "Undergraduate" be as defined in the interpretation to this Bill — Agreed to.

"University" means Joseph Sarwuan Tarka, University, Makurdi (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that the meaning of the word "University" be as defined in the interpretation to this Bill — Agreed to.

"Visitor" means the President of the federal Republic of Nigeria (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that the meaning of the word "Visitor" be as defined in the interpretation to this Bill — Agreed to.

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

Question that Clause 29 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 30: Short Title.

This Bill may be cited as the Joseph Sarwuan Tarka University, Makurdi (Establishment etc.) Bill, 2022.

SCHEDULES

FIRST SCHEDULE

[Section 2 (2)]

PRINCIPAL OFFICERS OF THE UNIVERSITY

The Chancellor

1. (1) The Chancellor shall be appointed by the President of Nigeria.
- (2) The Chancellor shall hold office at the pleasure of the President.
- (3) If it appears to the Visitor that the Chancellor should be removed from his/her office on the ground of misconduct or of inability to perform the function of his office, the Visitor may by notice in the Federal Gazette remove the Chancellor from office.

The Pro-Chancellor

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

The Vice-Chancellor

3. (1) The Vice-Chancellor of the University shall be appointed by the Council in accordance with the provisions of this paragraph.
- (2) Where a vacancy occurs in the post of a Vice-Chancellor, the Council shall:
 - (a) advertise the vacancy in a reputable journal or a widely read newspaper in Nigeria, specifying:
 - (i) the qualities of the persons who may apply for the post; and
 - (ii) the terms and conditions of service applicable to the post, and thereafter draw up a short list of suitable candidates for the post for consideration:
 - (b) constitute a Search Team consisting of:
 - (i) a member of the Council, who is not a member of the Senate, as chairman;
 - (ii) two members of the Senate who are not members of the Council, one of whom shall be a professor;
 - (iii) two members of Congregation who are not members of the Council, one of whom shall be a professor, to identify and nominate for consideration, suitable persons who are not likely to apply for the post of their own volition because they think that it is not proper to do so.

A Joint Council and Senate Selection Board consisting of:

- (a) the Pro-Chancellor, as chairman;
- (b) two members of the Council, not being members of the Senate;
- (c) two members of the Senate who are professors, but who were not members of the Search Team, shall consider the candidates and persons in the short list drawn up under subparagraph (2) of this paragraph through an examination of their curriculum vitae and interaction with them, and recommend to the Council suitable candidates for further consideration.

- (4) The Council shall select and appoint as Vice-Chancellor one from among the three candidates recommended to it under subparagraph (3) and thereafter inform the Visitor.
- (5) The Vice-Chancellor shall hold office for a single term of five years only on such terms and conditions as may be specified in his letter of appointment.
- (6) The Vice-Chancellor may be removed from office by the Governing Council on the ground of gross misconduct or inability to discharge the functions of his office as result of the infirmity of the body or mind at the time at the initiative of the Council, Senate or Congregation after due process.
- (7) When the proposal for the removal of Vice-Chancellor is made, the Council shall constitute a joint committee of Council and Senate consisting of:
 - (i) three members of Council of whom one shall be Chairman of the Committee; and
 - (ii) two members of Senate, provided that where the ground for removal is infirmity of the body or mind, the Council shall seek appropriate medical opinion.
- (8) The Committee shall conduct investigation made into the allegation made against the Vice-Chancellor and shall report its findings to the Council.
- (9) The Council may where the allegations are proved, remove the Vice-Chancellor or apply any other disciplinary action it may deem fit and notify the Visitor accordingly provided that a Vice-Chancellor who is removed shall have a right of appeal to the Visitor.

Deputy Vice-Chancellor

4. (1) There shall be for the University such number of Deputy Vice-Chancellors as Council may, from time to time, deem necessary for the proper administration of the University.
- (2) Where a vacancy occurs in the post of Deputy Vice-Chancellor, the Vice-Chancellor shall forward to the Senate a list of two candidates for each post of Deputy Vice-Chancellor that is vacant.
- (3) The Senate shall select for each vacant post one candidate from each list forwarded to it under subparagraph (2) of this paragraph and forward his name to the Council for confirmation.
- (4) A Deputy Vice-Chancellor shall:
 - (a) assist the Vice-Chancellor in the performance of his functions;
 - (b) act in the place of the Vice-Chancellor when the post of the Vice-Chancellor is vacant or if the Vice-Chancellor is, for any reason, absent or unable to perform his functions as Vice-Chancellor; and
 - (c) perform such other functions as the Vice-Chancellor of the Council may, from time to time, assign to him.
- (5) A Deputy Vice-Chancellor:

- (a) shall hold office for a period of two years beginning from the effective date his appointment and on such terms and conditions as may be specified in his letter of appointment; and
- (b) may be re-appointed for one further period of two years and no more.

(6) The Deputy Vice-Chancellor(s) may be removed from office for good cause by the Council, acting on the recommendation of the Vice-Chancellor and Senate.

(7) Good cause for the purpose of this subparagraph means gross misconduct or the inability to discharge the function of his office arising from infirmity of the body or mind.

Office of the Registrar

5. (1) There shall be for the University, a Registrar, who shall be the chief administrative officer of the University and shall be responsible to the Vice-Chancellor for the day-to-day administrative work of the University except as regards matters for which the Bursar is responsible in accordance with paragraph 6 (2) of this Schedule.

(2) The person holding the office of the Registrar shall by virtue of that office be Secretary to the Council, the Senate, Congregation and Convocation.

Other Principal Officers of the University

6. (1) There shall be for the University the following principal officers, in addition to the Registrar, that is:

- (a) the Bursar; and
- (b) the University Librarian, who shall be appointed by the Council on the recommendation of the Selection Board constituted under paragraph 7 of this Schedule.

(2) The Bursar shall be the Chief Financial Officer of the University and be responsible to the Vice-Chancellor for the day-to-day administration and control of the financial affairs of the University.

(3) The University Librarian shall be responsible to the Vice-Chancellor for the administration of the university library and the co-ordination of the library services in the University and its campuses, colleges, faculties, schools, departments, institutes and other teaching or research units.

(4) Any question as to the scope of the responsibilities of the aforesaid officers shall be determined by the Vice-Chancellor.

(5) The Registrar, Bursar and Librarian shall hold office for a single term of five years only beginning from the effective date of his appointment and on such terms and conditions as may be specified in his letter of appointment.

(6) Notwithstanding subparagraph (5) of this paragraph, the Council may, upon satisfactory performance, extend the tenure of the Registrar, Bursar and Librarian for a further period of one year only thereafter the Registrar, Bursar or Librarian shall relinquish his post and be assigned to other duties in the University.

Selection Board for other Principal Officers

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

Resignation and Re-appointment

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

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

SECOND SCHEDULE

Section 10 (2)

TRANSITIONAL PROVISIONS AS THE PROPERTY, FUNCTIONS, ETC.

1. Without prejudice to the generality of section 10 (1) of this Bill:
- (a) the reference in that subsection to property held by the Provisional Council and the University shall include a reference to the right to receive and give a good discharge for any grants or contributions which may have been voted or promised to the provisional council and the university; and
 - (b) all outstanding debts and liabilities of the provisional council shall become debts and liabilities of the University established by this Bill.
2. (1) All agreements, contracts, deeds and other instruments to which the provisional council was a party shall, so far as possible and subject to any necessary

modifications, have effect as if the University established by this Bill had been a party to it in place of the provisional council.

- (2) Documents not falling within sub-paragraph (1) above, including enactments, which refer, whether specially or generally, to the provisional council, shall be construed in accordance with that sub-paragraph so far as applicable.
 - (3) Any legal proceedings or application to any authority pending by or against the provisional council may be continued by or against the University established by this Bill.
- 3.
- (1) If the law in force at the place where any property transferred by this Bill is situated provides for the registration of transfers of property of the kind in question (whether by reference to an instrument of transfer or otherwise), the law shall, so far as it provides for alterations of a register (but not for avoidance of transfers, the payment of fees or any other matter) apply, with necessary modifications, to the property in question.
 - (2) It shall be the duty of the body to which any property is transferred by this Bill to furnish the necessary particulars of the transfer to the proper officer of the registration authority, and of that officer to register the transfer accordingly.
- 4.
- (1) The first meeting of the Council shall be convened by the Pro-Chancellor on such date and in such manner as he may determine.
 - (2) The persons who were members of the provisional council shall be deemed to constitute the Council until the date when the Council as set up under the Third Schedule to this Bill must have been duly constituted.
 - (3) The first meeting of the Senate as constituted by this Bill shall be convened by the Vice-Chancellor on such date and in such manner as he may determine.
 - (4) The persons who were members of the Senate immediately before the coming into force of this Bill shall be deemed to constitute the Senate of the University until the date when the Senate as set up under the Third Schedule to this Bill shall have been duly constituted.
 - (5) Subject to any regulations which may be made by the Senate after the date on which this Bill is made, the faculties, faculty boards and students of the University immediately before the coming into force of this Bill shall on that day become faculties, faculty boards and students of the University as constituted by this Bill.
 - (6) Persons who were Deans or associate Deans of faculties or members of faculty boards, shall continue to be Deans or associate Deans or become members of the corresponding school boards, until new appointments are made in pursuance of the statutes under this Bill.
5. Any person who was a member of the staff of the University as established or was otherwise employed by the provisional council shall become the holder of an appointment at the University with the status, designation and functions which correspond as nearly as may be to those which appertained to him as member of that staff or as such an employee (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that the provisions of the Second Schedule stand part of the Bill — Agreed to.

THIRD SCHEDULE

[Section 9(2)]

JOSEPH SARWUAN TARKA UNIVERSITY STATUTE NO.1

ARRANGEMENT OF ARTICLES

1. The Council.
2. The Finance and General Purposes Committee;
3. The Senate
4. The Congregation.
5. Convocation.
6. Organization of School thereof
7. School Boards.
8. Dean of the School
9. Head of Department
10. Selection of Director of Works.
11. Creation of academic posts.
12. Appointment of academic staff.
13. Appointment of Administrative and professional staff.
14. Interpretation.
15. Citation.

The Council

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

take part in the deliberations of the Council at any meeting but shall not be entitled to vote.

The Finance and General Purposes Committee

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

The Senate

3. (1) The Senate shall consist of:
- (a) the Vice-Chancellor who shall be the chairman;
 - (b) Deputy Vice-Chancellor(s);
 - (c) all Professors of the university;
 - (d) all Deans, Provost and Directors of academic units of the university;
 - (e) all Heads of academic Department, Units and Research Institutes of the university;
 - (f) University Librarian; and
 - (g) Academic members of Congregation who are not Professors as specified in the Bill.
- (2) The Vice-Chancellor shall be the chairman at all meeting of the Senate when he is present, and in his absence any of the Deputy Vice-Chancellors present at the meeting as the Senate may appoint for that meeting shall be the chairman at the meeting.
- (3) The quorum of the Senate shall be one quarter (or the nearest whole number less than one quarter) and subject to paragraph (2) of this article, the Senate may regulate its own procedure.
- (4) An elected member may, by notice to the Senate, resign his office.
- (5) Subject to paragraph (7) of this article, there shall be elections for the selection of

- elected members which shall be held in the prescribed manner on such day in the month of May or June in each year as the Vice-Chancellor may from time to time determine.
- (6) An elected member shall hold office for the period of two years beginning with 1 August in the year of his election, and may be a candidate at any election held in pursuance of paragraph (5) of this article in the year in which his period of office expires, so however that no person shall be such a candidate if at the end of his current period of office he will have held office as an elected member for a continuous period of six years or would have so held office if he had not resigned it.
 - (7) No election shall be held in pursuance of this article in any year if the number specified in the certificate given in pursuance of paragraph (10) of this article does not exceed by more than one the figure which is twice the number of those elected members holding office on the date of the certificate who do not vacate office during that year in pursuance of paragraph (6) of this article.
 - (8) For the avoidance of doubt it is hereby declared that no person shall be precluded from continuing in or taking office as an elected member by reason only of reduction in the number of non-elected members occurring on or after 30 April in any year in which he is to continue in or take office as an elected member.
 - (9) If so requested in writing by any fifteen members of the Senate, the Vice-Chancellor or in his absence any of the Deputy Vice-Chancellors duly appointed by him, shall convene a meeting of the Senate to be held not later than the tenth day following that on which the request was received.
 - (10) In this article "total of non-elected members" means in respect of any year, such number as may be certified by Vice-Chancellor on 30 April of that year to be the number of persons holding office as members of the Senate on that day otherwise than as elected members.

The Congregation

4. (1) Congregation shall consist of:
 - (a) the Vice-Chancellor and the Deputy Vice-Chancellors;
 - (b) the full-time members of the academic staff;
 - (c) the Registrar;
 - (d) the Bursar;
 - (e) the Librarian;
 - (f) the Director of Works;
 - (g) the Director of Academic Planning
 - (h) the Director of Physical Planning
 - (i) the Director of Health Services; and

- (j) every member of the administrative staff who holds a degree, other than honorary degree, of any University recognized for the purposes of this statute by the Vice-Chancellor.
- (2) Subject to section 4 and 50 of this Bill, the Vice-Chancellor shall be the chairman at all meetings of Congregation when he is present; and in his absence any of the Deputy Vice-Chancellors present at the meeting as Congregation may appoint for that meeting, shall be the chairman at the meeting.
- (3) The quorum of Congregation shall be one third (or the whole number nearest to one third) of the total number of members of Congregation of fifty, whichever is less.
- (4) A certificate signed by the Vice-Chancellor specifying:
- (a) the total number of members of Congregation for the purpose of any particular meeting or meetings of Congregation; or
 - (b) the names of the persons who are members for the congregation during a particular meeting shall be conclusive evidence of that number or as the case may be, of the names of those persons.
- (5) Subject to the foregoing provisions of this article, Congregation may regulate its own procedure.
- (6) Congregation shall be entitled to express by resolutions or otherwise its opinion on all matters affecting the interest and welfare of the University and shall have such other functions, in addition to the function of electing a member of the Council, as may be provided by statute or regulations.

Convocation

- (1) Convocation shall consist of:
- (i) the officers of the University mentioned in the First Schedule to this Bill;
 - (ii) all teachers within the meaning of this Bill;
 - (iii) all other persons whose names are registered in accordance with paragraph (2) of this article.
- (2) A person shall be entitled to have his name registered as a member of Convocation if:
- (a) he/she is either a graduate of the University or a person satisfying such requirements as may be prescribed for the purposes of this paragraph; and
 - (b) he/she applies for the registration of his name in the prescribed manner and pay the prescribed fees.
- (3) Regulations shall provide for the establishment and maintenance of a register for the purpose of this paragraph and subject to paragraph (4) of this article may provide for the payment, from time to time, of further fees by persons whose names are on the register and for the removal from the register of the name of any person who fails to pay those fees.
- (4) The person responsible for maintaining the register shall, without the payment of any

fees, ensure that the names of all persons who are for the time being members of the Convocation by virtue of paragraph (1) (a) or (b) of this article are entered and retained on the register.

- (5) A person who reasonably claims that he is entitled to have his name on the register shall be entitled on demand to inspect the register or a copy of the register at the principal offices of the University at all reasonable times.
- (6) The register shall, unless the contrary is proved, be sufficient evidence that any person named therein is not, a member of Convocation; but for the purpose of ascertaining whether a particular person was such a member on a particular date, any entries in and deletions from the register made on or after that date shall be disregarded.
- (7) The quorum of Convocation shall be fifty or one third or the whole number nearest to one third of the whole number of members of Convocation whichever is less.
- (8) Subject to section 5 of the Bill, the Chancellor shall be chairman at all meetings of Convocation when he is present, and in his absence the Vice-Chancellor shall be the chairman at the meeting.
- (9) Convocation shall have such functions, in addition to the function of appointing a member of the Council, as may be provided by statute or regulations.

Organization of School thereof

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

School Boards

7. (1) There shall be established in respect of each School, a School Board which, subject to the provisions of this Statute, and subject to the directions of the Vice-Chancellor, shall:
- (a) regulate the teaching and study of, and the conduct of examinations connected with the subjects assigned to the School;
 - (b) deal with any other matter assigned to it by statute or by the Vice-Chancellor or by the Senate; and
 - (c) advise the Vice-Chancellor or the Senate on any matter referred to it by the Vice-Chancellor or the Senate.
- (2) Each School Board shall consist of:
- (a) the Vice-Chancellor;
 - (b) the Dean;
 - (c) the persons severally in charge of the branches of the school;
 - (d) such of the teachers assigned to the school and having the prescribed qualifications as the board may determine; and
 - (e) such persons, whether or not members of the University, as the Board may determine with the general or special approval of the Senate.

- (3) The quorum of the board shall be eight members or one quarter, whichever is greater, of the members for the time being of the Board; and subject to the provisions of this statute and any provision made by regulations in that behalf, the Board may regulate its own procedure.

Dean of the School

8. (1) The Dean of a school shall be a professor elected by the School Board and such Dean shall hold office for a term of two years, and shall be eligible for re-appointment for another term two years after which he may not be re-appointed again until two years have elapsed.
- (2) The Dean shall be the chairman at all meetings of the School Board when he is present and shall be a member of all committee and other boards appointed by the School.
- (3) The Dean of a School shall exercise general superintendence over the academic and administrative affairs of the school and it shall be the function of Dean to present to Convocation or for the conferment of degrees on persons of the University at examinations held in the branches of learning for which responsibility is allocated to that school.
- (4) There shall be a Committee to be known as the Committee of Deans, consisting of all Deans of the Schools and that committee shall advise the Vice-Chancellor on all academic matters and on particular matters referred to it by the University Council.
- (5) The Dean of School may be removed from office for good cause by the School Board after a vote would have been taken at a meeting of the board, and in the event of a vacancy occurring following the removal of a Dean, an acting Dean may be appointed by the Vice-Chancellor provided that at the next School Board meeting, an election shall be held for a new Dean.
- (6) In this article 'good cause' has the same meaning as in section 14 (3) of this Bill.

Head of Department

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

Selection of Director of Works

10. (1) When a vacancy occurs in the office of the Director of Works, a selection board shall be constituted by the Council which shall consist of:
- (a) the Pro-Chancellor, as chairman;
 - (b) the Vice-Chancellor;
 - (c) two members appointed by the Council not being members of the Senate;
- and

- (d) two members appointed by the Senate.
- (2) The Selection Board, after making such inquiries as it thinks fit, shall recommend a candidate to the Council for appointment to the vacant office; and after considering the recommendation of the Board, the Council may make an appointment to the office.

Creation of academic posts

11. Recommendations for the creation of posts shall be made by Senate to the Council through the Finance and General Purposes Committee.

Appointment of academic staff

12. (1) Subject to the Bill and statutes, the filling of vacancies in academic posts (including newly created ones) shall be the responsibility of the Senate.
- (2) For the purpose of filling such vacancies, suitable selection boards to select and make appointments on behalf of the Council shall be set up.
- (3) For appointment to professorships, associate professorship or readerships or equivalent posts, a board of selection, with power to appoint, shall consist of:
- (a) the Vice-Chancellor;
- (b) two members appointed by the Council;
- (c) four members appointed by the Senate, at least two of whom shall be members of Senate, while the other two members shall be professional peers in the professional area in which an appointment is to be considered;
- (d) if the post is tenable at a college, the Provost of that college;
- (e) if the post is within a school, institute or other teaching unit of the university, the Dean of the School or the teaching unit, or the Director of the institute, as the case may be; and
- (f) such other persons, not exceeding two in number, or deemed capable of helping the Board in assessing both the professional and academic suitability of a candidate under consideration, as the Senate may from time to time appoint.
- (4) For other academic posts, a Selection Board, with power to appoint, shall consist of:
- (a) the Vice-Chancellor;
- (b) four members appointed by the Senate, at least two of whom shall be members of Senate, while the other two members shall be professional peers in the professional area in which an appointment is to be considered;
- (c) if the post is tenable at a college, the Provost of that college;
- (d) if the post is within a school, institute or other teaching unit of the university, the Dean of the School or the teaching unit, or the Director of the institute, as the case may be; and

(e) such other persons, not exceeding two in number, or deemed capable of helping the Board in assessing both the professional and academic suitability of a candidate under consideration, as the Senate may from time to time appoint.

(5) All appointments to senior library posts shall be made in the same way as equivalent appointments in the academic cadre; and for all such posts other than that of the Librarian, the Librarian shall be a member of the selection board.

(6) Boards of selection may interview candidates directly or consider the reports of assessors or specialist interviewing panels and shall in addition, in case of professorships, associate professorships, readerships or equivalent posts, consider the reports of external assessors relevant to the area in which the appointment is being considered.

Appointment of Administrative and professional staff

13. (1) The administrative and professional staff of the University, other than principal officers shall be appointed by the Council or on its behalf by the Vice-Chancellor or the Registrar in accordance with delegation of any powers made by the Council in that behalf.

(2) In the case of administrative or professional staff who have close and important contract with the academic staff, there shall be Senate or (in case of a college) academic board participation in the process of selection.

Interpretation

14. In this Statute, the expression "the Bill" means the Joseph Sarwuan Tarka University, Makurdi Bill and any expression defined in the Bill has the same meaning in this Statute.

Short title

15. This Statute may be cited as the Joseph Sarwuan Tarka University Statute No.1 (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

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

Explanatory Memorandum:

This Bill seeks to establish Joseph Sarwuan Tarka University, Makurdi to change the status to a full conventional University and to ensure equity and access to tertiary education in the Nigeria (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Agreed to.

Long Title:

A Bill for an Act to Provide for the Establishment of Joseph Sarwuan Tarka University, Makurdi; and for Related Matters (III. 1661) (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report of the Committee on Tertiary Education and Services on a Bill for an Act to Provide for

Establishment of Joseph Sarwuan Tarka University, Makurdi; and for Related Matters (HB.166 and approved Clauses 1 - 27, rejected Clause 28, approved Clauses 29 - 30, the Schedules, Explanatory Memorandum, and the Long Title of the Bill.

Question that the House do adopt the Report of the Committee of the Whole — Agreed to.

- (xi) *A Bill for an Act to Repeal the Public Complaints Commission Act, Cap. P37, Laws of the Federation of Nigeria, 2004 and Enact the Public Complaints Commission Bill, 2022 for Establishment of the Public Complaints Commission with wide Powers to Inquire into Complaints by Members of Public concerning the Administrative actions of any Public Authority and Companies or their Officials and provide Legal Framework for making Public Interest; and for Related Matters (HB. 1983) (Committee of the Whole):*
Motion made and Question proposed, "That the House do consider the Report on a Bill for an Act to Repeal the Public Complaints Commission Act, Cap. P37, Laws of the Federation of Nigeria, 2004 and Enact the Public Complaints Commission Bill, 2022 for Establishment of the Public Complaints Commission with wide Powers to Inquire into Complaints by Members of Public concerning the Administrative actions of any Public Authority and Companies or their Officials and provide Legal Framework for making Public Interest; and for Related Matters (HB. 1983)" (Hon. Peter Akpatason — Deputy House Leader).

Agreed to.

Question that the House do resolve into the Committee of the Whole to consider the Report — Agreed to.

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO REPEAL THE PUBLIC COMPLAINTS COMMISSION ACT, CAP. P37, LAWS OF THE FEDERATION OF NIGERIA, 2004 AND ENACT THE PUBLIC COMPLAINTS COMMISSION BILL, 2022 FOR ESTABLISHMENT OF THE PUBLIC COMPLAINTS COMMISSION WITH WIDE POWERS TO INQUIRE INTO COMPLAINTS BY MEMBERS OF PUBLIC CONCERNING THE ADMINISTRATIVE ACTIONS OF ANY PUBLIC AUTHORITY AND COMPANIES OR THEIR OFFICIALS AND PROVIDE LEGAL FRAMEWORK FOR MAKING PUBLIC INTEREST; AND FOR RELATED MATTERS (HB. 1983)

Consideration deferred.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole deferred consideration of the Report on a Bill for an Act to Repeal the Public Complaints Commission Act, Cap. P37, Laws of the Federation of Nigeria, 2004 and Enact the Public Complaints Commission Bill, 2022 for Establishment of the Public Complaints Commission with wide Powers to Inquire into Complaints by Members of Public concerning the Administrative actions of any Public Authority and Companies or their Officials and provide Legal Framework for making Public Interest; and for Related Matters (HB. 1983).

Question that the House do adopt the Report of the Committee of the Whole — Agreed to.

(xii) *A Bill for an Act to Amend the Display and Use of the National Flag, Certain Flags and the National Coat of Arms Act of 1960; and for Related Matters (HB. 535) (Committee of the Whole):*

Motion made and Question proposed, "That the House do consider the Report on a Bill for an Act to Amend the Display and Use of the National Flag, Certain Flags and the National Coat of Arms Act of 1960; and for Related Matters (HB. 535)" (Hon. Peter Akpatason — Deputy House Leader).

Agreed to.

Question that the House do resolve into the Committee of the Whole to consider the Report — Agreed to.

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO AMEND THE DISPLAY AND USE OF THE NATIONAL FLAG, CERTAIN FLAGS AND THE NATIONAL COAT OF ARMS ACT OF 1960 AND FOR RELATED MATTERS

Clause 1: Amendment of the National Flag, etc. Act.

The display and the use of the National Flag, Certain Flags and the National Coat of Arms of 1960 Act in this Bill referred to as the principal Act is amended as set out in this Bill *(Hon. Alhassan Ado Garba — House Leader).*

Question that Clause 1 stands part of the Bill — Agreed to.

Clause 2: Amendment of Section 3 (2).

Section 3 (2) of the principal Act is amended by inserting a new subsection (c) which shall read thus "It shall be a disrespect for the National Flag for any person to construct/produce the National Flag contrary to the one conceived by Pa Michael Taiwo Akinkunmi in 1959 with a green and white colour, without any embellishment of any sort including the Coat of Arms on it. A violation of this subsection is an offence" *(Hon. Alhassan Ado Garba — House Leader).*

Question that Clause 2 stands part of the Bill — Agreed to.

Clause 3: Amendment of Section 3 (2).

Section 3 (2) of the principal Act is further amended by inserting a new Subsection 2 (d) which shall read thus —

"Henceforth the National Orientation Agency shall be solely responsible for the construction/production of both the National Flag and the National Coat of Arms. A violation of this subsection is an offence" *(Hon. Alhassan Ado Garba — House Leader).*

Question that Clause 3 stands part of the Bill — Agreed to.

Clause 4: Amendment of Section 10.

Section 10 of the principal Act, under offences in the principal Act is amended by deleting the sum "One Hundred Naira" and substituting it with the figures "One Hundred Thousand Naira for individual offenders and Five Million Naira for Corporate offenders" under offences in this Bill *(Hon. Alhassan Ado Garba — House Leader).*

Question that Clause 4 stands part of the Bill — Agreed to.

Clause 5: Citation.

This Bill may be cited as the Display and the Use of the National Flag, Certain Flags and Other National Coat of Arms Act (Amendment) Bill, 2022 (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 5 stands part of the Bill — Agreed to.

Explanatory Memorandum:

This Bill seeks to ensure full respect and recognition for the National Flag and other National symbols, that the National Flag in particular is not deconstructed contrary to the original one conceived by Pa Akinkunmi in 1959; and that the amount fined individuals and corporate offenders are increased to a level to act as deterrent to offenders (*Hon. Alhassan Ado Garba — House Leader*).

Agreed to.

Long Title:

A Bill for an Act to Amend the Display and Use of the National Flag, Certain Flags and the National Coat of Arms Act of 1960 and for Related Matters (HB. 535) (*Hon. Alhassan Ado Garba — House Leader*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report on a Bill for an Act to Amend the Display and Use of the National Flag, Certain Flags and the National Coat of Arms Act of 1960; and for Related Matters (HB. 535) and approved Clauses 1- 5, the Explanatory Memorandum, and the Long Title of the Bill.

Question that the House do adopt the Report of the Committee of the Whole — Agreed to.

(xiii) *A Bill for an Act to Establish Chartered Institute of Development and Social Studies to Provide for the Control of its Membership and Promote the Practice of Development and Social Studies in Nigeria; and for Related Matters (HB. 1492) (Committee of the Whole): Motion made and Question proposed, "That the House do consider the Report on a Bill for an Act to Establish Chartered Institute of Development and Social Studies to Provide for the Control of its Membership and Promote the Practice of Development and Social Studies in Nigeria; and for Related Matters (HB. 1492)" (Hon. Peter Akpatason — Deputy House Leader).*

Agreed to.

Question that the House do resolve into the Committee of the Whole to consider the Report — Agreed to.

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO AMEND THE DISPLAY AND USE OF THE NATIONAL FLAG, CERTAIN FLAGS AND THE NATIONAL COAT OF ARMS ACT OF 1960 AND FOR RELATED MATTERS

Clause 1: Amendment of the National Flag, etc. Act.

The display and the use of the National Flag, Certain Flags and the National Coat of Arms of 1960 Act in this Bill referred to as the principal Act is amended as set out in this Bill (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 1 stands part of the Bill — Agreed to.

Clause 2: Amendment of Section 3 (2).

Section 3 (2) of the principal Act is amended by inserting a new subsection (c) which shall read thus "It shall be a disrespect for the National Flag for any person to construct/produce the National Flag contrary to the one conceived by Pa Michael Taiwo Akinkunmi in 1959 with a green and white colour, without any embellishment of any sort including the Coat of Arms on it. A violation of this subsection is an offence." (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 2 stands part of the Bill — Agreed to.

Clause 3: Amendment of Section 3 (2).

Section 3 (2) of the principal Act is further amended by inserting a new Subsection 2 (d) which shall read thus —

"Henceforth the National Orientation Agency shall be solely responsible for the construction/production of both the National Flag and the National Coat of Arms. A violation of this subsection is an offence" (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 3 stands part of the Bill — Agreed to.

Clause 4: Amendment of Section 10.

Section 10 of the principal Act, under offences in the principal Act is amended by deleting the sum "One Hundred Naira" and substituting it with the figures "One Hundred Thousand Naira for individual offenders and Five Million Naira for Corporate offenders" under offences in this Bill (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 4 stands part of the Bill — Agreed to.

Clause 5: Citation.

This Bill may be cited as the Display and the Use of the National Flag, Certain Flags and Other National Coat of Arms Act (Amendment) Bill, 2022 (*Hon. Alhassan Ado Garba — House Leader*).

Question that Clause 5 stands part of the Bill — Agreed to.

Explanatory Memorandum:

This Bill seeks to ensure full respect and recognition for the National Flag and other National symbols, that the National Flag in particular is not deconstructed contrary to the original one conceived by Pa Akinkunmi in 1959; and that the amount fined individuals and corporate offenders are increased to a level to act as deterrent to offenders (*Hon. Alhassan Ado Garba — House Leader*).

Agreed to.

Long Title:

A Bill for an Act to Amend the Display and Use of the National Flag, Certain Flags and the National Coat of Arms Act of 1960 and for Related Matters (HB. 535) (*Hon. Alhassan Ado Garba — House Leader*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report on a Bill for an Act to Establish Chartered Institute of Development and Social Studies to Provide for the Control of its Membership and Promote the Practice of Development and Social Studies in Nigeria; and for Related Matters (HB. 1492) and approved Clauses 1- 23, the Schedules, the Explanatory Memorandum, and the Long Title of the Bill.

Question that the House do adopt the Report of the Committee of the Whole — Agreed to.

- (xiv) *A Bill for an Act to Make Provisions for Retirement Age of Staff of Legislative Houses in Nigeria; and for Related Matters (HB. 1473) (Committee of the Whole):*
Motion made and Question proposed, "That the House do consider the Report on a Bill for an Act to Make Provisions for Retirement Age of Staff of Legislative Houses in Nigeria; and for Related Matters (HB. 1473)" (Hon. Peter Akpatason — Deputy House Leader).

Agreed to.

Question that the House do resolve into the Committee of the Whole to consider the Report — Agreed to.

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO MAKE PROVISIONS FOR RETIREMENT
 AGE OF STAFF OF LEGISLATIVE HOUSES IN NIGERIA;
 AND FOR RELATED MATTERS (HB. 1473)

Consideration deferred.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole deferred consideration of the Report on a Bill for an Act to Make Provisions for Retirement Age of Staff of Legislative Houses in Nigeria; and for Related Matters (HB. 1473).

Question that the House do adopt the Report of the Committee of the Whole — Agreed to.

37. (i) *A Bill for an Act to Establish Federal Medical Centre, Mubi, Adamawa State; and for other Related Matters (HB. 679) — Third Reading*
Motion made and Question proposed, "That a Bill for an Act to Establish Federal Medical Centre, Mubi, Adamawa State; and for other Related Matters (HB. 679) be now read the Third Time" (Hon. Alhassan Ado Garba — House Leader).

Agreed to.

Bill read the Third Time and passed.

- (ii) **A Bill for an Act to Establish the National Agricultural Development Fund to Provide Funds for Agricultural Development; and for Related Matters (HB.1319) — Third Reading**

Motion made and Question proposed, “That a Bill for an Act to Establish the National Agricultural Development Fund to Provide Funds for Agricultural Development; and for Related Matters (HB. 1319) be now read the Third Time” (*Hon. Alhassan Ado Garba — House Leader*).

Agreed to.

Bill read the Third Time and passed.

- (iii) **A Bill for an Act to Establish Chartered Risk Management Institute of Nigeria to serve as a Professional Body for Practitioners and Determine the Standards of Knowledge and Skills to be Attained by Persons Seeking to become Members of the Chartered Risk Managers Institute of Nigeria; and for Related Matters (HB. 2037) — Third Reading**

Motion made and Question proposed, “That a Bill for an Act to Establish Chartered Risk Management Institute of Nigeria to serve as a Professional Body for Practitioners and Determine the Standards of Knowledge and Skills to be Attained by Persons Seeking to become Members of the Chartered Risk Managers Institute of Nigeria; and for Related Matters (HB.2037) be now read the Third Time” (*Hon. Alhassan Ado Garba — House Leader*).

Agreed to.

Bill read the Third Time and passed.

- (iv) **A Bill for an Act to Repeal the Copyrights Act, Cap. C28, Laws of the Federation of Nigeria, 2004 and Enact the Copyrights Bill to Provide for Regulation, Protection and Administration of Copyright; and for Related Matters (HB. 1986) — Third Reading**

Motion made and Question proposed, “That a Bill for an Act to Repeal the Copyrights Act, Cap. C28, Laws of the Federation of Nigeria, 2004 and Enact the Copyrights Bill to Provide for Regulation, Protection and Administration of Copyright; and for Related Matters (HB. 1986) be now read the Third Time” (*Hon. Alhassan Ado Garba — House Leader*).

Agreed to.

Bill read the Third Time and passed.

- (v) **A Bill for an Act to Repeal the Nigerian College of Aviation Technology Act, Cap. N96, Laws of the Federation of Nigeria, 2004 and Enact the Nigerian College of Aviation Technology Bill to Provide for its Organization, Council and Operations; and for Related Matters (HB. 463) — Third Reading**

Motion made and Question proposed, “That a Bill for an Act to Repeal the Nigerian College of Aviation Technology Act, Cap. N96, Laws of the Federation of Nigeria, 2004 and Enact the Nigerian College of Aviation Technology Bill to Provide for its Organization, Council and Operations; and for Related Matters (HB. 463) be now read the Third Time” (*Hon. Alhassan Ado Garba — House Leader*).

Agreed to.

Bill read the Third Time and passed.

- (vi) **A Bill for an Act to Repeal the Nigerian Airspace Management Agency Act, Cap. N90, Laws of the Federation of Nigeria, 2004 and Enact the Nigerian Airspace Management Agency Bill to provide Efficient Air Navigation Services in Nigeria, Ensure Safe**

Regulation of Air Navigation in Nigeria and to any other place which Nigeria has Responsibility of Providing Air Navigation Services; and for Related Matters (HB. 462) — Third Reading

Motion made and Question proposed, "That a Bill for an Act to Repeal the Nigerian Airspace Management Agency Act, Cap. N90, Laws of the Federation of Nigeria, 2004 and Enact the Nigerian Airspace Management Agency Bill to provide Efficient Air Navigation Services in Nigeria, Ensure Safety and Regulation of Air Navigation in Nigeria and to any other place which Nigeria has Responsibility of Providing Air Navigation Services; and for Related Matters (HB. 462) be now read the Third Time" (*Hon. Alhassan Ado Garba — House Leader*).

Agreed to.

Bill read the Third Time and passed.

(vii) A Bill for an Act to Repeal the Small and Medium Scale Industries Development Agency Act, 2003 and Enact the Small and Medium Enterprises Development Agency of Nigeria (SMEDAN) Bill; and for Related Matters HB.1995) — Third Reading

Motion made and Question proposed, "That a Bill for an Act to Repeal the Small and Medium Scale Industries Development Agency Act, 2003 and Enact the Small and Medium Enterprises Development Agency of Nigeria (SMEDAN) Bill; and for Related Matters HB.1995) be now read the Third Time" (*Hon. Alhassan Ado Garba — House Leader*).

Agreed to.

Bill read the Third Time and passed.

(viii) A Bill for an Act to Establish Chartered Institute of Computer Forensics of Nigeria; and for Related Matters (HB.1491) — Third Reading

Motion made and Question proposed, "That a Bill for an Act to Establish Chartered Institute of Computer Forensics of Nigeria; and for Related Matters (HB.1491) be now read the Third Time" (*Hon. Alhassan Ado Garba — House Leader*).

Agreed to.

Bill read the Third Time and passed.

(ix) A Bill for an Act to Provide for Establishment of Joseph Sarwuan Tarka University, Makurdi; and for Related Matters (HB.1661) — Third Reading

Motion made and Question proposed, "That a Bill for an Act to Provide for Establishment of Joseph Sarwuan Tarka University, Makurdi; and for Related Matters (HB.1661) be now read the Third Time" (*Hon. Alhassan Ado Garba — House Leader*).

Agreed to.

Bill read the Third Time and passed.

(x) A Bill for an Act to Amend the Display and Use of the National Flag, Certain Flags and the National Coat of Arms Act of 1960; and for Related Matters (HB. 535) — Third Reading

Motion made and Question proposed, "That a Bill for an Act to Amend the Display and Use of the National Flag, Certain Flags and the National Coat of Arms Act of 1960; and for Related Matters (HB. 535) be now read the Third Time" (*Hon. Alhassan Ado Garba — House Leader*).

Agreed to.

Bill read the Third Time and passed.

- (xi) **A Bill for an Act to Establish Chartered Institute of Development and Social Studies to Provide for the Control of its Membership and Promote the Practice of Development and Social Studies in Nigeria; and for Related Matters (HB. 1492) — Third Reading**
Motion made and Question proposed, "That a Bill for an Act to Establish Chartered Institute of Development and Social Studies to Provide for the Control of its Membership and Promote the Practice of Development and Social Studies in Nigeria; and for Related Matters (HB. 1492) be now read the Third Time" (Hon. Alhassan Ado Garba — House Leader).

Agreed to.

Bill read the Third Time and passed.

38. Adjournment of First Sitting

That the House do adjourn the First Sitting till 5.40 p.m. (Hon. Alhassan Ado Garba — House Leader).

The House adjourned accordingly at 5.20 p.m.

Idris Ahmed
Deputy Speaker

CORRIGENDUM

In the *Votes and Proceedings* of Tuesday, 26 July, 2022, No. 14, page 794, item 22, *leave out* the Resolution and *insert* as follows:

Extend the mandate of the *Ad-hoc* Committee on Petroleum Products Subsidy Regime to cover the period of 2013 to 2021 as well as Subsidy Payments and Forex Allocations from 2013 to date (*Hon. Alhassan Ado Garba — House Leader*).

