



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Thursday, 26 January, 2023

1. The House met at 11.59 a.m. Mr Speaker read the Prayers.
2. The House recited the National Pledge.
3. **Votes and Proceedings**
Mr Speaker announced that he had examined and approved the *Second Votes and Proceedings* of Wednesday, 25 January, 2023.

The Votes and Proceedings was adopted by unanimous consent.

4. **Matter of Urgent Public Importance (Standing Order Eight, Rule 4)**
Need to Give Students of Tertiary Institutions of Learning in Nigeria an Opportunity to Vote in the 2023 General Elections:
Hon. Kabir Ibrahim Tukura (*Fakai/Zuru/Sakaba/Danko-Wasagu 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 Give Students of Tertiary Institutions of Learning in Nigeria an Opportunity to Vote in the 2023 General Elections:

The House:

Notes that, according to available statistics, there are over 2.1 million students currently studying in Nigerian Universities, while over 2.4 million are students in Polytechnics, Monotechnics and Colleges of Education across the country;

Also notes that academic calendars of various tertiary institutions are structured in a way that most students are disenfranchised as school calendars do not take into consideration the timelines and date for elections which makes it difficult for students to participate in the electoral process;

Aware that, that 3.8 million of the newly registered voters are students, accounting for 40.8 per cent of the total number of newly registered voters as stated by the Chairman of the Independent National Electoral Commission (INEC), Prof. Mahmood Yakubu, at the Commission's 2022 third quarterly meeting with political parties in Abuja;

Concerned that these students who constitute 40.8 per cent of the newly registered voters, have their polling units sited in states outside their campuses, thereby necessitating traveling outside their respective institutions to vote in the 2023 elections;

Also concerned that tertiary institutions are not considering academic breaks for students during the general elections, despite having knowledge that most students registered outside their campuses during the continuous voter registration exercise, during the prolonged strike by Academic Staff Union of Universities (ASUU);

Informed that the Independent National Electoral Commission (INEC) has devolved permanent voter cards (PVCs) distributions at the registration areas and wards across the 774 local government offices throughout the federation;

Also informed that distribution of PVCs at the Wards has ended, and the exercise moved back to the Local Government/Area Council Offices, thereby further limiting the chances of the students to collect their PVCs which is a precondition for voting at the Polls;

Worried that students were deprived of the opportunity to collect their PVCs as they were busy with academic activities during the exercise;

Also worried that the tertiary institutions do not consider periods of elections in designing academic calendars, as most of them conduct semester examinations when the preparations for the general elections are almost completed or when the polls are going on, thereby disenfranchising the students;

Cognizant that the INEC has enormous statutory powers to make special arrangements for students to collect their PVCs;

Also cognizant that the National Universities Commission (NUC), the National Board for Technical Education (NBTE), the National Commission for Colleges of Education (NCCE), and the Federal Ministry of Education, as the regulators of tertiary education in Nigeria, have the statutory powers to direct both the public and private tertiary education institutions in Nigeria to suspend academic activities pending the conclusion of the general elections;

Resolves to:

- (i) urge the National Universities Commission, the National Board for Technical Education, the National Commission for Colleges of Education, and the Federal Ministry of Education to direct all tertiary institutions to suspend academic activities until after the general elections;
- (ii) also urge the Independent National Electoral Commission (INEC) to make special arrangements for the students to collect their PVCs; and
- (iii) mandate the Committees on Tertiary Education, and Electoral Matters to liaise with the agencies to facilitate the process and report within one (1) week (*Hon. Kabir Ibrahim Tukura — Fakai/Zuru/Sakaba/Danko-Wasagu Federal Constituency and Others*).

Debate.

Agreed to:

The House:

Noted that, according to available statistics, there are over 2.1 million students currently studying in Nigerian Universities, while over 2.4 million are students in Polytechnics, Monotechnics and Colleges of Education across the country;

Also noted that academic calendars of various tertiary institutions are structured in a way that most students are disenfranchised as school calendars do not take into consideration the timelines and date for elections which makes it difficult for students to participate in the electoral process;

Aware that, that 3.8 million of the newly registered voters are students, accounting for 40.8 per cent of the total number of newly registered voters as stated by the Chairman of the Independent National Electoral Commission (INEC), Prof. Mahmood Yakubu, at the Commission's 2022 third quarterly meeting with political parties in Abuja;

Concerned that these students who constitute 40.8 per cent of the newly registered voters, have their polling units sited in states outside their campuses, thereby necessitating traveling outside their respective institutions to vote in the 2023 elections;

Also concerned that tertiary institutions are not considering academic breaks for students during the general elections, despite having knowledge that most students registered outside their campuses during the continuous voter registration exercise, during the prolonged strike by Academic Staff Union of Universities (ASUU);

Informed that the Independent National Electoral Commission (INEC) has devolved permanent voter cards (PVCs) distributions at the registration areas and wards across the 774 local government offices throughout the federation;

Also informed that distribution of PVCs at the Wards has ended, and the exercise moved back to the Local Government/Area Council Offices, thereby further limiting the chances of the students to collect their PVCs which is a precondition for voting at the Polls;

Worried that students were deprived of the opportunity to collect their PVCs as they were busy with academic activities during the exercise;

Also worried that the tertiary institutions do not consider periods of elections in designing academic calendars, as most of them conduct semester examinations when the preparations for the general elections are almost completed or when the polls are going on, thereby disenfranchising the students;

Cognizant that the INEC has enormous statutory powers to make special arrangements for students to collect their PVCs;

Also cognizant that the National Universities Commission (NUC), the National Board for Technical Education (NBTE), the National Commission for Colleges of Education (NCCE), and the Federal Ministry of Education, as the regulators of tertiary education in Nigeria, have the statutory powers to direct both the public and private tertiary education institutions in Nigeria to suspend academic activities pending the conclusion of the general elections;

Resolved to:

- (i) urge the National Universities Commission, the National Board for Technical Education, the

National Commission for Colleges of Education, and the Federal Ministry of Education to direct all tertiary institutions to suspend academic activities until after the general elections;

- (ii) also urge the Independent National Electoral Commission (INEC) to make special arrangements for the students to collect their PVCs; and
- (iii) mandate the Committees on Tertiary Education, and Electoral Matters to liaise with the agencies to facilitate the process and report within one (1) week (**HR. 13/01/2023**).

5. **Review of the Cashless Policy of the Central Bank of Nigeria (CBN)**

By leave of the House, Hon. Alhassan Ado Garba (*House Leader*), recalled that on Tuesday, 24 January, 2023, the House set up an *Ad-hoc* Committee to interface with the Governor and Officials of the Central Bank of Nigeria (CBN), and Managing Directors of Commercial Banks in Nigeria, to ascertain the availability of the new Naira notes and level of circulation in the country. He stated that the Committee in the discharge of its mandate, invited the Governor and Officials of CBN and the Managing Directors of Commercial Banks to appear before it on Wednesday, 25 January, and Thursday, 26 January, 2023, respectively. He informed the House that the CBN Governor failed to honour the Committee's invitation and thus viewed his action as a disrespect to the House.

He also informed the House that the Committee has rescheduled the meeting with CBN to Thursday, 26 January, 2023 at 1.00 p.m. in view of its importance.

He urged the House to invoke its constitutional powers in the event the CBN fails to honour the invitation.

Mr Speaker noted that the House of Representatives recognises the Central Bank of Nigeria's authority to determine the country's legal tender and to recall currency with reasonable notice, subject to the approval of the President; and that the House is also aware that Section 20 (3) of the Central Bank of Nigeria (CBN) Act mandates the CBN to redeem the face value of the recalled currency upon demand, even after the expiration of the notice of recall. He also noted the refusal of the CBN to heed the invitation by the House to shed light on the review of the cashless policy as a mark of disrespect to the authority of the people's parliament. He therefore, stressed that on the authority conferred by Section 89 (1) (d) of the Constitution of the Federal Republic of Nigeria and Order Nineteen, Rule 2 (1) - (2) of the Standing Orders of the House, he will not hesitate to issue a warrant to the Inspector-General of Police to compel attendance of the CBN Governor.

6. **Presentation of Reports**

- (i) ***Ad-hoc Committee on Recovery of Outstanding Debts Owed by Oil and Gas Companies in Nigeria:***

*Motion made and Question proposed, "That the House do receive the Interim Report of the Ad-hoc Committee on Recovery of Outstanding Debts Owed by Oil and Gas Companies in Nigeria (**HR. 157/12/2021**)" (Hon. Nkeiruka Onyejeocha — Isuikwuato/Umunneochi Federal Constituency).*

Agreed to.

Report laid.

- (ii) ***Committees on Finance, Banking and Currency and Aids, Loans and Debts Management:***
Report of the Committees on Finance, Banking and Currency and Aids, Loans and Debts Management on the Restructuring of Ways and Means Advances

Order read; deferred by leave of the House.

- (iii) ***Report of the Conference Committee:***

Motion made and Question proposed, "That the House do receive the Report of Conference Committee on a Bill for an Act to Repeal the National Human Rights Commission Act, Cap. N46, Laws of the Federation of Nigeria, 2004 (as amended) and Enact the National Human Rights Commission Act, 2022 in order to further strengthen and reposition the Commission for the Effective and Efficient Performance of its Statutory Functions; and for Related Matters" (*Hon. Igwe Chinyere Emmanuel — Port Harcourt II Federal Constituency*).

Agreed to.

Report laid.

- (iv) *Committees on Tertiary Education and Services, Health Institutions, and Foreign Affairs: Motion made and Question proposed*, "That the House do receive the report of the Committees on Tertiary Education and Services, Health Institutions, and Foreign Affairs on the Need to Safeguard the Academic Pursuit of Nigerian Youths in Ukrainian Medical Universities" (**HR. 23/06/2022**)" (*Hon. Tijani Kayode Ismail — Ifelodun/Offa/Oyun Federal Constituency*).

Agreed to.

Report laid.

- (v) *Committee on Public Accounts: Motion made and Question proposed*, "That the House do receive the Report of the Committee on Public Accounts on the Auditor General's for the Federation Annual Report for the years ended 31 December, 2015 and on the Financial Statement of the Accountant-General of the Federation for the year ended 31 December, 2015" (*Hon. Oke Oluwole Busayo — Obokun/Oriade Federal Constituency*).

Agreed to.

Report laid.

- (vi) *Committee on Public Accounts: Motion made and Question proposed*, "That the House do receive the Report of the Committee on Public Accounts on the Auditor General's for the Federation Annual Report for the years ended 31 December, 2016 and on the Financial Statement of the Accountant-General of the Federation for the year ended 31 December, 2016" (*Hon. Oke Oluwole Busayo — Obokun/Oriade Federal Constituency*).

Agreed to.

Report laid.

- (vii) *Committee on Public Accounts: Motion made and Question proposed*, "That the House do receive the Report of the Committee on Public Accounts on the Auditor General's for the Federation Annual Report for the years ended 31 December, 2017" (*Hon. Oke Oluwole Busayo — Obokun/Oriade Federal Constituency*).

Agreed to.

Report laid.

- (viii) *Committee on Public Accounts:*

Motion made and Question proposed, "That the House do receive the Report of the Committee on Public Accounts on the Auditor General's for the Federation Annual Report for the years ended 31 December, 2018" (*Hon. Oke Oluwole Busayo — Obokun/Oriade Federal Constituency*).

Agreed to.

Report laid.

7. A Bill for an Act to Amend the Legislative Houses (Powers and Privileges) Act, 2017; and for Related Matters (HB.2149) — Third Reading

Motion made and Question proposed, "That a Bill for an Act to Amend the Legislative Houses (Powers and Privileges) Act, 2017; and for Related Matters (HB.2149) be now read the Third Time" (*Hon. Mohammed Monguno Tahir— Monguno/Marte/Nganzai Federal Constituency*).

Agreed to.

Bill read the Third Time and passed.

8. A Bill for an Act to Provide for Establishment of Federal University of Education, Numan, Adamawa State; and for Related Matters (HB. 1799) — Third Reading.

Motion made and Question proposed, "That a Bill for an Act to Provide for Establishment of Federal University of Education, Numan, Adamawa State; and for Related Matters (HB. 1799) be now read the Third Time" (*Hon. Mohammed Monguno Tahir— Monguno/Marte/Nganzai Federal Constituency*).

Agreed to.

Bill read the Third Time and passed.

9. A Bill for an Act to Establish Gum Arabic Research Institute, Maiduguri, Borno State; and for Related Matters (HB.2168) — Third Reading

Motion made and Question proposed, "That a Bill for an Act to Establish Gum Arabic Research Institute, Maiduguri, Borno State; and for Related Matters (HB.2168) be now read the Third Time" (*Hon. Mohammed Monguno Tahir— Monguno/Marte/Nganzai Federal Constituency*).

Agreed to.

Bill read the Third Time and passed.

10. A Bill for an Act to Amend the Federal Medical Centres Act and Establish Federal Medical Centre, Igboora, Oyo; and for Related Matters (HB. 347) — Third Reading

Motion made and Question proposed, "That a Bill for an Act to Amend the Federal Medical Centres Act and Establish Federal Medical Centre, Igboora, Oyo; and for Related Matters (HB. 347) be now read the Third Time" (*Hon. Mohammed Monguno Tahir— Monguno/Marte/Nganzai Federal Constituency*).

Agreed to.

Bill read the Third Time and passed.

11. A Bill for an Act to Amend the Federal Medical Centres Act and Establish Federal Medical Centre, Ufuma, Anambra State; and for Related Matters (HB.1373) — Third Reading

Motion made and Question proposed, "That a Bill for an Act to Amend the Federal Medical Centres Act and Establish Federal Medical Centre, Ufuma, Anambra State; and for Related Matters (HB.1373) be now read the Third Time" (*Hon. Mohammed Monguno Tahir—*

Monguno/Marte/Nganzai Federal Constituency).

Agreed to.

Bill read the Third Time and passed.

12. **A Bill for an Act to Establish Federal Capital Territory Signage and Advertisement Agency as the regulatory body for outdoor structures used for Signage and Advertisement to Protect the Environment from Potential adverse impacts that may arise from Signage and Outdoor Advertisement and Visual Blights; and for Related Matters (HB. 1232) — Third Reading**
Motion made and Question proposed, "That a Bill for an Act to Establish Federal Capital Territory Signage and Advertisement Agency as the regulatory body for outdoor structures used for Signage and Advertisement to Protect the Environment from Potential adverse impacts that may arise from Signage and Outdoor Advertisement and Visual Blights; and for Related Matters (HB. 1232) be now read the Third Time" (Hon. Mohammed Monguno Tahir— Monguno/Marte/Nganzai Federal Constituency).

Agreed to.

Bill read the Third Time and passed.

13. **A Bill for an Act to Amend the Trafficking in Persons (Prohibition) Enforcement and Administration Act, No. 4 of 2015 to include the Federal Ministry of Humanitarian Affairs and Disaster Management and Social Development in its Governing Board, review the mode of appointing the Director General of the Agency, to strengthen the Act by reviewing the offences and penalty Provisions; and for Related Matters (HB. 2102) — Third Reading**
Motion made and Question proposed, "That a Bill for an Act to Amend the Trafficking in Persons (Prohibition) Enforcement and Administration Act, No. 4 of 2015 to include the Federal Ministry of Humanitarian Affairs and Disaster Management and Social Development in its Governing Board, review the mode of appointing the Director General of the Agency, to strengthen the Act by reviewing the offences and penalty Provisions; and for Related Matters (HB. 2102) be now read the Third Time" (Hon. Mohammed Monguno Tahir— Monguno/Marte/Nganzai Federal Constituency).

Agreed to.

Bill read the Third Time and passed.

14. **A Bill for an Act to Amend the Association of National Accountants of Nigeria Act, Cap. A26, Laws of the Federation of Nigeria, 2004; and for Related Matters (HB. 2157) — Second Reading**
Motion made and Question proposed, "That a Bill for an Act to Amend the Association of National Accountants of Nigeria Act, Cap. A26, Laws of the Federation of Nigeria, 2004; and for Related Matters (HB. 2157) be read a Second Time" (Hon. Mohammed Monguno Tahir— Monguno/Marte/Nganzai Federal Constituency).

Debate.

Debate adjourned till the next legislative day to enable the Committee on Rules and Business circulate the compendium of the Bill to Members.

15. **A Bill for an Act to Establish Donor Agencies Regulatory Commission; and for Related Matters (HB. 1568) — Second Reading**
Motion made and Question proposed, "That a Bill for an Act to Establish Donor Agencies Regulatory Commission; and for Related Matters (HB. 1568) be read a Second Time" (Hon. Idem Unyime Josiah — Ukanafun/Oruk Anam 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 Civil Society and Development Partners.

16. **Need for Completion of 2X60MVA 132/33KV Transmission Substation at Ayingba Kogi State**
Motion made and Question proposed:

The House:

Notes that before the Privatization of Nigeria's Electricity Supply Industry, the entire nine local government areas in Kogi State were fed on a 33KV network from Nsukka in presently Enugu State and Oturkpo in Benue State;

Also notes that presently, the supply from Nsukka and Oturkpo links have been cut off and as such, the entire nine (9) Local Government Areas are fed from a 33KV feeder breaker code-named Ayingba feeder at the 132/33KV substation in Ajaokuta;

Aware that the 33KV Ayingba feeder can deliver only 15MW, which depends on the load allocation;

Also aware that some of the Local Government Areas headquarters are as far as 285km away from the 33kV source, and there is a constant issue of low voltage that could hardly contend with the numerous communities under the nine Local Government Areas;

Cognizance that in 2009, a 2 x 60MVA, 132/33kV transmission substation situated at Ayingba, with a 132kV Nsukka - Ayingba line project contract was awarded by Transmission Company of Nigeria (TCN);

Concerned that the substation building has been erected, with the 2x 60MVA transformers placed on plinths, but the contractors abandoned the project for years as there is no visible activity on the site;

Worried that with only a 33kV feeder breaker supplying power to these Local Government Areas and surrounding communities, the state of power supply to the communities will remain unimaginably low and faulty, thus causing constant blackouts in the entire Kogi State;

Resolves to:

- (i) urge the Federal Ministry of Power to immediately intervene in the predicament of Ankpa, Ida, Dekina, Omala, Olamaboro, Ibaji, Bassa Olu, Igala-Mela/Odolu Local Government Areas to ensure the completion of the transmission substation in Ayingba;
- (ii) mandate the Committee on Power to audit the completion of the 2X60MVA 132/33KV project contract performance and to complete the project as a matter of urgency;
- (iii) also mandate Committee on Legislative Compliance to ensure compliance (*Hon. Hassan Abdullahi — Bassa/Dekina Federal Constituency*).

Agreed to.

(HR. 14/01/2023).

Motion referred to the Committees on Power, Legislative Compliance, pursuant to Order Eight, Rule 9 (5).

17. Consideration of Reports

- (i) **Committees on Finance, Banking and Currency and Aids, Loans and Debt Management:** Report of the Committees on Finance, Banking and Currency and Aids, Loans and Debt Management on the Restructuring of Ways and Means Advances.

Order deferred by leave of the House.

- (ii) **A Bill for an Act to Amend Federal Medical Centres Act and Establish Federal Medical Centre, Owutu Edda; and for Related Matters (HB. 1647) (Committee of the Whole):** Motion made and Question proposed, "That the House do consider the Report on a Bill for an Act to Amend Federal Medical Centres Act and Establish Federal Medical Centre, Owutu Edda; and for Related Matters (HB. 1647)" (Hon. Mohammed Monguno Tahir — Chief Whip).

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 FEDERAL MEDICAL CENTRES ACT AND ESTABLISH FEDERAL MEDICAL CENTRE, OWUTU-EDDA, EBONYI STATE AND FOR RELATED MATTERS (HB. 1647)

Clause 1: Amendment of the Federal Medical Centres Act, 2022.

The Federal Medical Centres Act, 2022 (hereinafter called "the Principal Act" is amended as set out in this Bill (Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency).

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

Clause 2: Amendment of the Second Schedule.

The Second Schedule to the Principal Act is amended by inserting a new item "3" —

"Federal Medical Centre, Owutu-Edda Eboyi State" (Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency).

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

Clause 3: Citation.

This Bill may be cited as the Federal Medical Centres, Act (Amendment) Bill, 2023 (Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency).

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

Explanatory Memorandum:

This Bill seeks to amend the Federal Medical Centres Act, 2023 to Establish Federal Medical Centre, Owutu-Edda, Ebonyi State (Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency).

Agreed to.

Long Title:

A Bill to Amend the Federal Medical Centres Act and Establish Federal Medical Centre, Owutu-Edda, Ebonyi State and for Related Matters (HB.1647) (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai 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 on a Bill for an Act to Amend Federal Medical Centres Act and Establish Federal Medical Centre, Owutu Edda; and for Related Matters (HB. 1647) and approved Clauses 1 - 3, 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 Amend Federal Medical Centres Act and Establish Federal Medical Centre, Saminaka, Kaduna State; and for Related Matters (HB.1776) (Committee of the Whole):*

Motion made and Question proposed, "That the House do consider the Report on a Bill for an Act to Amend Federal Medical Centres Act and Establish Federal Medical Centre, Saminaka, Kaduna State; and for Related Matters (HB.1776)" (Hon. Mohammed Monguno Tahir — Chief Whip).

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 FEDERAL
MEDICAL CENTRES ACT AND ESTABLISH FEDERAL
MEDICAL CENTRE, SAMINAKA, KADUNA STATE;
AND FOR RELATED MATTERS (HB.1776)

Clause 1: **Amendment of the Federal Medical Centres Act, 2022.**
The Federal Medical Centres Act, 2022 (hereinafter called "the Principal Act" is amended as set out in this Bill (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Clause 2: **Amendment of the Second Schedule.**
The Second Schedule to the Principal Act is amended by inserting a new item "3" —
" Federal Medical Centre, Saminaka, Kaduna State" (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Clause 3: **Citation.**

This Bill may be cited as the Federal Medical Centres, Act (Amendment) Bill, 2023 (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Explanatory Memorandum:

This Bill seeks to amend the Federal Medical Centres Act, 2023 to Establish Federal Medical Centre, Saminaka, Kaduna State (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

Agreed to.

Long Title:

A Bill to Amend the Federal Medical Centres Act and Establish Federal Medical Centre, Saminaka, Kaduna State and for Related Matters (HB.1776) (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai 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 on a Bill for an Act to Amend Federal Medical Centres Act and Establish Federal Medical Centre, Saminaka, Kaduna State; and for Related Matters (HB.1776) and approved Clauses 1 - 3, 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.

- (iv) *A Bill for an Act to Establish Federal College of Nursing and Midwifery, Ado-Ekiti, Ekiti State; and for Related Matters (HB.1904) (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 College of Nursing and Midwifery, Ado-Ekiti, Ekiti State; and for Related Matters (HB.1904)" (Hon. Mohammed Monguno Tahir — Chief Whip).

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
 THE FEDERAL COLLEGE OF NURSING AND MIDWIFERY, ADO-EKITI,
 EKITI STATE, AND FOR RELATED MATTERS (HB. 1904)

PART I — ESTABLISHMENT, POWERS AND FUNCTIONS OF THE COLLEGE

Clause 1: Establishment.

- (1) There is hereby established for the Federal College to be known as the Federal College of Nursing and Midwifery, Ado-Ekiti, Ekiti State.
- (2) The College shall:

- (a) have the status of a tertiary institution with right and privileges of such institution; and
- (b) be a body corporate with perpetual succession and a common seal with powers to sue and be sued in its corporate name (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Clause 2: Object.

The object of College shall be:

- (a) to provide training and research in general Nursing, Midwifery and other specialties of Nursing leading to the award of Professional Certificates, Diplomas, Degrees and other post Basic Certificates;
- (b) to provide avenues for continuing education in Nursing, Midwifery and other specialties of Nursing; and
- (c) to provide such services that is necessary and incidental to the object of the College (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Clause 3: Powers of the College.

- (1) The College shall be a teaching and examining body and shall subject to the provisions of this Bill and the regulations of the College have powers to:
 - (a) provide rules and conditions under which persons may be admitted as Student for any particular course of study provided by the College;
 - (b) provide courses of instruction in the Academic and Professional programmes for Students;
 - (c) make provision for research and the dissemination of knowledge;
 - (d) establish Department and such other units of learning and research as the purpose of the College may require;
 - (e) create such Offices and Posts as the purpose of the College may require and to appoint persons to and remove person from such Office or Post and prescribe their conditions of service;
 - (f) maintain libraries, laboratories, workshops lecture halls, hostels, dining halls, sport field and other building or facilities of the College;
 - (g) provide for residence, recreation and welfare of members of staff and students of the College as may be deemed necessary;
 - (h) demand and receive from students and other persons attending the College for the purpose of instruction such fees as the College may from time to time determine;

- (i) prescribe rules for the discipline of student of the College;
 - (j) conduct examination and arrange for award of certificates and distinctions to persons who pursue courses of studies approved by the College and who satisfy such other requirement as may from time to time be prescribe;
 - (k) subject to specific limitations or conditions that may imposed by extant Government regulations or circular, invest any fund apportioned to the College by way of endowment, whether for general or special purpose and such monies as may not immediately be required be require for current expenditure in any investment or securities.
 - (l) print or publish works or undertake service as may be deemed consistent with the object of the College;
 - (m) do such other acts and things necessary under this Bills for the attainment of the object of the object of the College or incidental to the powers of the College; and
 - (n) carry out any special or general directive consistent with Government policy as the Secretary of Health may give in writing.
- (2) Without prejudice to the generality of the provision of section 2 of this Bill and subsection (1) this section, the College may by special arrangement with the Nursing and Midwifery Council of Nigeria or other Examination bodies prepare it Students for award of certificates or other distinctions.
- (3) Subject to the provisions of this Bill and of any other statute. The power conferred on the College by subsection (1) of this section shall be exercise on behalf of the College by the Council and the Committees established for the College or by such Officers and other Staff of the College as may be authorize in that behalf and may also be exercised through Schools established under this Bill (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

- Clause 4:**
- (1) The Provost shall have custody of the common seal of the College and shall be responsible for affixing same to documents.
 - (2) The common seal of the College shall not be used save upon the direction of the council and shall be authenticated by the signature of the Provost (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

PART II — GOVERNMENT COUNCIL OF THE COLLEGE

- Clause 5: Establishment of Governing Council of the College.**
- (1) There shall be establish for the College, a Government Council to be known as the Governing council of the Federal College of Nursing and Midwifery Ado-Ekiti, Ekiti State

- (2) The Council shall consist of:
- (a) a Chairman who shall be appointed on part time basis by the Commissioner on the recommendation of the Secretary of Health;
 - (b) a representative of the Secretary of Health;
 - (c) the Provost of the College;
 - (d) a representative of the Ekiti State Chapter of National Association of Nigeria Nurses and Midwives;
 - (e) two members to represent the interest of the public to be appointed by the Minister on the recommendation of the Secretary of Health;
 - (f) a representative of Ekiti State Treasury;
 - (g) a representative of Ekiti State Legal Service Secretariat;
 - (h) a representative of Ekiti State Education Secretariat;
 - (i) the Director, Finance and Administration in the Secretariat;
 - (j) the Director of Nursing in Ekiti State Hospitals Management Board; and
 - (k) the Director, Nursing Service of the Secretariat who shall also serve as the Secretary (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Clause 6: Tenure of Members.

- (1) Members of the Council other than *ex-officio* members shall hold office for a period of four (4) years from the date of their appointment and shall be eligible for reappointment for one further term of four (4) years and no more.
- (2) Any member of the Council other than an *ex officio* member may by notice to the Council resign his appointment.
- (3) Any vacancy occurring in the membership of the Council shall be filled by the appointed of a successor who shall represent the same interest as his predecessor for the remainder of the term of the predecessor (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Clause 7: Functions of the Council.

- (1) Subject to the provisions of this Bill, the Council shall:
 - (a) be the Governing Authority of the College;
 - (b) be charged with general control and superintendence of the policies,

finances and properties of the College;

- (c) make regulations for the day to day management of the College; and
- (d) do any other thing necessary or incidental to attainment of objects of the College.

Functions of the Academic Committee.

(2) Without prejudice to the provisions of subsection (1) of this section, the Council shall:

- (a) ensure that the courses and instructions provided by the College conform to the required standard laid down from time to time by the Nursing And Midwifery Council of Nigeria;
- (b) regulate the teaching of course offered by the College, and also regulate the conduct of examination with respect to the College;
- (c) approve contracts for procurement of equipment, furniture and other properties required for the purpose of the College;
- (d) approve contracts for maintenance of the premises and other properties of the College;
- (e) formulate policies and initiate programmes in all field of learning conducted by the College;
- (f) assess from time to time the course offered by the College; and
- (g) perform such other function as may be necessary.

(3) The council may delegate any of its functions, other than the power to make regulates, to the Chairman or any other person, Board or Committee it deems it fit in that behalf, but no decision of such person or Committee shall take effect unless ratified by Council (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Clause 8: Secretary to the Council.

The Director, Nursing Service of the Secretariat shall be the Secretary to the Council, and for any particular meeting that he may be absent, he shall send a representative to act in that behalf (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Clause 9: Directives.

- (1) The Secretary of Health may give to the Council directions as to the discharge of its function in relation to matters appearing to the Secretary of Health to affect public interest and the Council shall give effect to such directive.
- (2) The Council shall afford the Secretary of Health Facilities for obtaining information with respect to the property of the College and the functions of the Council and he shall be furnished with returns, accounts and facilities for

verification of the information in such manner and at such times as he may require (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

PART III — SCHOOLS, DEPARTMENTS AND UNITS WITHIN THE COLLEGE

- Clause 10:**
- (1) There shall be within the College a School of Nursing and a School of Midwifery and such other schools as the Secretariat may with the approval of the Nursing and Midwifery Council of Nigeria establish.
 - (2) Each School shall provide instruction for courses, conduct research and carry out such functions as may be prescribed by the Council with the approval of the Secretary of Health.
 - (3) The constitution of and other matters relating to each Schools may be prescribed by the council with the approval of the Secretary of Health (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

- Clause 11:** In furtherance of the provisions of section 3 (1) (c) of this Bill, the Council shall with the approval of the Secretary of Health establish for each School such Department as the Nursing and Midwifery Council of Nigeria may from time to time prescribe (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

- Clause 12:** Subject to the provision to this Bill, the Council may with the approval of the Secretary of Health establish units for special purposes within the College; and the name, constitution and functions of any such units may be prescribe by director of the Council (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

PART IV — PRINCIPAL OFFICER AND STAFF OF THE COLLEGE

- Clause 13: Provost of the College.**
There shall be for the College a Provost and other Principal Officers, the designations, qualifications, functions, appointments and removal of whom shall be as spelt out in section 15 to 22 of this Bill (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

- Clause 14: Principal Officer of the College.**
- (1) The Principal Officers of the College shall include:
 - (a) the Deans of the Schools in the College;
 - (b) the Deputy Deans (Academics and Administration) of the Schools in the College;

- (c) the Registrar;
 - (e) the College Librarian; and
 - (e) the Bursar.
- (2) The Principal Officers of the College other than Deans and Deputy Deans of Schools in the College shall be appointed by the Council subject the approval of the Minister through the Secretary of Health.
- (3) The Deans and the Deputy Deans of Schools in shall be appointed by the Council (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Clause 15: Appointment of Provost.

- (1) The Provost shall be appointed from amongst the Academic Staff of the College and shall be the Chief Executive and Administrator of the College and also be responsible to the Council for maintaining and promoting efficiency and discipline in the College.
- (2) The Provost shall hold a Degree in Nursing and shall be a registered Education in Nursing, Midwifery or other specialty areas of Nursing with not less than fifteen (15) years of teaching experience (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Clause 16: Deans.

- (1) The Deans of Schools in the College shall be responsible to the Provost for the Administration of the Schools.
- (2) The Deans of Schools in the College shall hold Degree in Nursing and shall be registered Educators in the Nursing specialty related to their respective Schools and with not less than Ten (10) years of teaching experience (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Clause 17: Deputy Deans.

- (1) The Deputy Deans of Schools in the College shall be the assistants to the Deans of their respective Schools and shall perform such duties as may be assign to them by the Deans.
- (2) The Deputy Deans of schools in the College shall hold Degree in Nursing and shall be Registered Educator in the Nursing specialty related to their respective schools with less than seven (7) years teaching experience (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Clause 18: The Registrar of the College.

- (1) The Registrar of the College shall be the Head of Administration of the College shall be responsible to the Provost.
- (2) The Registrar shall be an experienced Graduate of Humanities with not less than fifteen (15) years' experience in Public Administration.
- (3) The person holding the office of the Registrar of the College shall by virtue of that office be the Secretary to the Academic Board and the Finance and General Purpose Committee (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Clause 19: The Bursar.

- (1) The Bursar shall be the Chief Financial Officer of the College and shall be responsible to the Provost for the day to day administration of the financial affairs of the College.
- (2) The Bursar shall be a qualified Accountant with not less than Ten (10) years post qualification experience (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Clause 20: The Librarian.

- (1) The Librarian shall be responsible to the Provost for the Co-ordination of Library Services in College.
- (2) The Librarian shall have a Degree in Library Sciences with not less than ten years post qualification experience as a Librarian (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Clause 21: The Council may appoint such other persons to be Staff of the College as it may deems fit on such terms and conditions as may specified in their instructions of appointment (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Clause 22: Removal from Office.

- (1) The Principal Officers and other Senior Staff of the College may be removed from office by the Commissioner for misconduct, incompetence or any other justifiable reason on the recommendation of the council.
- (2) The Council shall have power to remove any Junior Staff of the College for justifiable reasons (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

PART V — ESTABLISHMENT AND FUNCTIONS OF COMMITTEES

Clause 23: Finance and General Purpose.

There shall be a Committee of the Council to known as the Finance and General

Purpose Committee (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Clause 24: Composition of the Committee.

- (1) The Finance and General Purpose Committee shall consist of:
 - (a) the Chairman of the Governing Council who shall be the chairman;
 - (b) the respective of the Secretary of Health;
 - (c) the Provost of the College;
 - (d) the Director of Finance and Administration in the Secretariat;
 - (e) the Director of Nursing Services in the Secretariat;
 - (f) one member of the Academic Committee to be appointed by the Council; and
- (2) The Registrar shall be Secretary of the Committee (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Clause 25: Functions of the Committee.

The finance and general purpose committee shall:

- (a) exercise control over property, revenue and expenditure of the College;
- (b) award contracts for the execution of project of the College; and
- (c) perform such other functions as the Council may delegate to it (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

- Clause 26:**
- (1) Anybody of persons established by this Bill shall, without prejudice to the generality of the powers of that body, have power to constitute Committees, which need not consist exclusively of members of that body, and to authorize a Committee established by it:
 - (a) to exercise, on its behalf, such of its function as it may determine; and
 - (b) to co-opt Members, and may direct whether or not co-opted members if any, shall be entitle 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 for the purpose of considering any matter within the competence 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) The quorum and procedure of a committee establish or meeting held in pursuance of this section shall be such as may be determined by the body or bodies which have decide to establish the Committee or hold the meeting (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

PART VI — ACADEMIC BOARD

Clause 27: There shall be for each School of the College an Academic Board which shall be responsible for the academic work of the School (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Clause 28: The Academic Board of each school of the College shall be composed of:

- (a) the provost of the College, as Chairman;
- (b) the Dean of the school, as Deputy Chairman;
- (c) the Deputy of Dean of the School;
- (d) all Heads of Department of the Schools;
- (e) one Academic Staff not below the rank of Senior Lecturer to be selected from each of the Department of the School;
- (f) a representative of the Director, Nursing Service in the Secretariat;
- (g) the School Librarian; and
- (h) the Registrar who shall be the Secretary of the Board (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Clause 29: Subject to the overall control and direction of the council, the Academic Board of each school of the College shall perform the following functions:

- (a) regulating and organizing the process of admission, conduct of Examinations, award of Certificates and all formalities relating to the registration and licensing of graduates;
- (b) making recommendation to the council on appointment of Academic Staff of the School and on the organization of Department, Libraries and other Units of learning and Research in the School;
- (c) making guidelines for the purpose of exercising any of the functions conferred on it under the provisions of this section;
- (d) preparing curriculum for the school in line with guidelines from the Nursing and Midwifery Council of Nigeria and or other regulatory bodies;
- (e) performing such other functions that may be assigned to it by the Council

(Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency).

Question that Clause 29 stands part of the Bill — Agreed to.

PART VII — SUPPLEMENTARY PROVISIONS

Clause 30: The supplementary provisions contained in the schedule shall have effect in relation to the proceeding of the various bodies appointed under the provision of this Bill *(Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency).*

Question that Clause 30 stands part of the Bill — Agreed to.

Clause 31: In the absence of the Council and until it is constituted for the College, the functions and powers of the Council under this Bill may be Exercise by the Secretary of health in consultation with the Director of Nursing Services in the Secretariat *(Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency).*

Question that Clause 31 stands part of the Bill — Agreed to.

PART VIII — PROPERTY AND FINANCE

Clause 32: Transfer of Property.
The Government of Ekiti State may, by order transfer any property whether movable or immovable to the College and from the date of such order, any property so transferred shall vest in the College and shall be used for the purpose of the College *(Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency).*

Question that Clause 32 stands part of the Bill — Agreed to.

Clause 33: Property of the College.
The Council may, subject to the provision of this Bill:

- (a) acquire and hold such movable or immovable property as may be necessary or expedient for carrying into effect the provisions of this Bill;
- (b) invest the funds of the College in such manner and to such extent as it may deem necessary or expedient; and
- (c) enter into contractual agreement on behalf of the College *(Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency).*

Question that Clause 33 stands part of the Bill — Agreed to.

Clause 34: Expenditure of the College.

- (1) The Council shall have power to approve expenditure of over ₦100,000.00 but not exceeding ₦1,000,000.00 per unit transaction for the procurement of the goods, works and services and shall refer procurements exceeding the amount to the secretary of Health.
- (2) The Provost shall approve procurement of works, goods and services not exceeding N100,000.00.
- (3) The threshold mentioned in this section may be adjusted, in the case of:

- (a) subsection (1), by the Secretary of Health; and
- (b) subsection (2), by the Council (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

Question that Clause 34 stands part of the Bill — Agreed to.

Clause 35: Revenue of the College.

The revenue of the College shall include:

- (a) revenue from time to time accruing to the College by way of Government grant, subvention or endowment or other forms of grant-in aid;
- (b) fees charges by and payable in respect of Students;
- (c) any other amounts charges or dues recoverable by the College;
- (d) receipts for publications or services;
- (e) interest on investments;
- (f) donations and Legacies (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

Question that Clause 35 stands part of the Bill — Agreed to.

Clause 36: Annual Estimate.

Before the end of each financial year or at such other time as may be required by the Council the Director, Finance and Administration or the Provost shall present for Council estimate of revenue and expenditure for the ensuing financial year and the accepted estimates shall be presented to the Secretary Health and Human Services Secretary who shall cause same to be placed before the Commissioner for approval (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

Question that Clause 36 stands part of the Bill — Agreed to.

Clause 37: Statement of Account.

- (1) The College shall prepare in respect of each financial year a statement of account in such form as may be approved by the Secretary of Health and the said annual statement of account shall be a fair and accurate statement of the financial position of the College for the financial year to which it relates.

Account Audit.

- (2) The said annual statement of accounts shall be audited by the Auditor-General of the Federation or by such competent auditor appointed by him.
- (3) The said audited statement of accounts, after verification by the Council shall together with the auditor's report is forwarded to the secretary of Health who shall cause the same to be placed before the Minister (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

Question that Clause 37 stands part of the Bill — Agreed to.

Clause 38: Interpretation.

In this Bill unless the context otherwise requires:

"Academic Board" means the Academic Board established under this Bill (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

"Chairman" means the Chairman of the Governing Council of the College or where the context requires Chairman of the respective Committees established under this Bill (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

"College" means the Federal College of Nursing and Midwifery, Ado-Ekiti, Ekiti State (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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 4 (1) of this Bill for the College (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

"Executive Committee" means the Ekiti State Executive Committee (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

"Commissioner" means the Commissioner of the Ekiti State (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

"Junior staff" is a reference to staff on CONHESS 01-05 or salary Grade levels 01-06 (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

"Members" means members of the council and includes the chairman of the Council (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

"Provost" means the provost of the College (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

"Regulations" means any regulation formulated for the College by the council (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

"Secretariat" means Health and Human Services Secretariat of Ekiti State (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

"Secretary" means the Secretary to the council of the College and other-wise means the Secretary of any Committees established under this Bill (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

"Secretary of Health" means the Secretary of Health and Human Services or such other official as may be from time to time designation as head of the body responsible for Health service under Ekiti State (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

"Senior staff" is a reference to staff on CONHESS 06-16 or salary Grade Levels 07-17 (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Question that Clause 38 stands part of the Bill — Agreed to.

Clause 39: Citation.

This Bill may be cited as the Federal College of Nursing and Midwifery, Ado-Ekiti, Ekiti State Bill, 2023 (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

Question that Clause 39 stands part of the Bill — Agreed to.

Explanatory Note:

This Bill seeks to provide for the establishment of the Federal College of Nursing and Midwifery, Ado-Ekiti, Ekiti State, and to provide training and research in general Nursing, Midwifery and other specialties of Nursing (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

Agreed to.

Long Title:

A Bill for An Act to Provide for the Establishment of the Federal College of Nursing and Midwifery, Ado-Ekiti, Ekiti State, and for Related Matters (HB. 1904) (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai 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 on a Bill for an Act to Establish Federal College of Nursing and Midwifery, Ado-Ekiti, Ekiti State; and for Related Matters (HB.1904) and approved Clauses 1 - 39, 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 Establish National Rice Production, Processing and Research Institute, Igbemo, Ekiti State; and for Related Matters (HB.1905) (Committee of the Whole): Motion made and Question proposed, "That the House do consider the Report on a Bill for an Act to Establish National Rice Production, Processing and Research Institute, Igbemo, Ekiti State; and for Related Matters (HB.1905)" (Hon. Mohammed Monguno Tahir — Chief Whip).*

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 NATIONAL RICE
PRODUCTION, PROCESSING AND RESEARCH INSTITUTE,
IGBEMO-EKITI, EKITI STATE; AND FOR
RELATED MATTERS (HB.1905)

PART I — ESTABLISHMENT, OBJECTS AND FUNCTIONS OF THE INSTITUTE

- Clause 1:** **Establishment of the National Rice Production, Processing and Research Institute, Igbemo-Ekiti, Ekiti State.**
There shall be established an Institute to be known as the National Rice Production, Processing and Research Institute Igbemo-Ekiti, Ekiti State (in this Bill referred to as "the Institute") which shall be a body corporate under that name, with perpetual succession and a common seal and may sue and be sued in its corporate name, subject to the provision of this Bill (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

- Clause 2: Objects of the Institute.**
The objects of the Institute shall be:

- (i) to increase the annual growth rate of the real GDP;

- (ii) to increase the value and growth rate of rice exports; and
- (iii) to contribute to reduction of poverty and food insecurity in rural and urban areas (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Clause 3: Functions of the Institute.

The functions of the Institute shall be to:

- (a) to undertake, promote and encourage scientific research aimed at improving the quality and yield of rice;
- (b) to initiate programmes aimed at controlling pests and diseases of rice;
- (c) establish research centres and sub-stations in different regions of Nigeria for carrying out research on different problems of rice;
- (d) establish project areas for demonstration of new varieties of rice developed by the Institute and training of farmers for the cultivation of these varieties of rice;
- (e) publish annual reports, monographs, bulletins and such other literatures relating to rice research and the activities of the Institute;
- (f) establish a laboratory and a library in the Institute;
- (g) train extension officers and progressive farmers in modern improved techniques of rice production;
- (h) to secure the most favourable arrangements for the purchase, inspection, grading, sealing and certification and sale of rice;
- (i) to establish or encourage the establishment of industrial processing factories for the processing of rice into marketable product;
- (j) acquire and hold any interest in the business of any person carrying on functions (whether in Nigeria or outside Nigeria) similar or related to the objects of the Board and may dispose of such interest;
- (k) provide seedlings, credit and other facilities to rice farmers to plant new farms or rehabilitate old ones or redeem pledged farms, as the case may be;
- (l) do and perform all other activities which may be necessary for the achievement of the objects of the Institute; and
- (m) the institute also arrange for a milling plant, i.e. to rid rice of all its impurities by removing the husk and bran layers (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

PART II — GOVERNING COUNCIL

Clause 4: Governing Board of the Institute, etc.

- (1) The government of the Institute and the direction of its affairs shall vest in the Board of Governors of the Institute (in this Bill referred to as "the Board").
- (2) The Board shall consist of:
 - (a) the Director General, *ex-officio*, who shall also be the Chairman of the Board;
 - (b) two eminent scientists, from outside the Institute, one in any social science and the other in the field pertaining to the speciality of the Institute, to be nominated by the Minister;
 - (c) the Directors of the Institute, *ex-officio*;
 - (d) two representatives, one from among the farmers and the other from among the Non-Government Organisations (NGOs) performing functions similar to those of the Institute, to be nominated by the Minister; and
 - (e) two representatives, one from the Ministry of agriculture and the other from the Ministry of finance, not below the rank of Deputy Secretary, to be nominated by the respective Ministry.
- (3) Subject to subsection (4) of this section, a person appointed as a member of the Board (not being an *ex-officio* member) shall hold office for four years and shall be eligible for re-appointment for one further period of three years.
- (4) The President may terminate the appointment of a member of the Board (not being an *ex-officio* member) if satisfied that it is not in the interest of the Institute that the person concerned should continue in office.
- (5) Provided that such members may resign their membership in writing addressed to the Chairman.
- (6) A person shall cease to be a member, if he:
 - (a) dies;
 - (b) remains absent, without permission of the Chairman, from three consecutive meetings of the Board;
 - (c) is declared by a competent court to be of unsound mind; or
 - (d) is an undischarged insolvent; or
 - (e) has been, on conviction for a criminal offence involving moral turpitude, sentenced to imprisonment for a term of not less than three months or to a fine not less than fifty thousand Naira and unless a period of two years has elapsed since his release or realisation of the fine, as the case may be, a person so sentenced shall not be eligible to be a member (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Clause 5: Functions of the Board.

- (1) Subject to the provisions of this Act, the Board shall be responsible for the general superintendence, direction and control of the affairs of the Institute and shall exercise all the powers of the Institute not otherwise provided for by this Bill.
- (2) Without prejudice to the provisions of subsection (1), the Board shall:
 - (a) take decisions on questions of policy relating to the administration and working of the Institute;
 - (b) institute courses of study at the Institute;
 - (c) institute and appoint persons to academic as well as other posts in the Institute;
 - (d) consider and pass resolutions on the annual report, the annual accounts and the budget estimates of the Institute for the next financial year as it thinks fit and submit them to the Minister together with a statement of its developments plans; and
 - (e) exercise such other powers and perform such other duties as may be conferred or imposed upon it by this Bill.
- (3) The Board shall have the power to appoint such committees as it considers necessary for the exercise of its powers and the performance of its duties under this Bill (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Clause 6: Meetings of the Board.

- (1) The meetings of the Board shall be convened by the Secretary of the Board, in consultation with the Chairman, at least once in a quarter of the year but meetings may be convened as frequently as may be necessary.
- (2) At least fourteen days' notice shall be given for convening a meeting of the Board and such notice shall be sent under the signature of the Secretary of the Board stating the date on, and the time and place at, which the meeting shall be held.
- (3) Emergency meetings may be convened on twenty-four hours' notice.
- (4) The Chairman shall preside over all meetings of the Board; and if for any reason he is unable to preside over a meeting, a member elected by the members present shall preside over that meeting.
- (5) Four members shall form a quorum of a meeting.
- (6) All matters at a meeting shall be decided by majority votes of the members present.
- (7) Each member of the Board shall have one vote, and in the event of equality of votes, the Chairman or the member presiding over the meeting shall have a casting vote (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Clause 7: Director General of the Institute and other staff.

- (1) There shall be an officer of the Institute to be known as the Director General who shall be appointed by the President.
- (2) The Director General shall act as the Secretary of the Board.
- (3) The Director General shall be the chief executive of the Institute and shall be responsible to the Board for the day-to-day management of the affairs of the Institute.
- (4) The Director General shall hold office for a fixed term of four years, subject to renewal by the President for only one more term of the same duration.
- (5) There may be appointed, from time to time, by the Board such other staff as may be required for the purpose of the efficient performance of the functions conferred on the Institute under or pursuant to this Bill.
- (6) The terms and conditions of service (including terms and conditions as to remuneration, allowances, pensions, gratuities and other benefits) of the persons employed by the Board shall be determined by the Board from time to time.
- (7) The control of the employees (including their promotion and discipline) shall vest in the Board (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

PART III — RICE PRODUCTION AND PROCESSING

Clause 8: Rice, paddy production.

- (1) Rice grain after threshing and winnowing. Also known as rice in the husk and rough rice. Used mainly for human food.
- (2) In 2020, rice, paddy production for Nigeria was 8.17 million tonnes. Rice, paddy production of Nigeria increased from 388,000 tonnes in 1971 to 8.17 million tonnes in 2020 growing at an average annual rate of 8.74% (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Clause 9: Rice processing.

Rice processing involves several steps: removal of the husks, milling the shelled rice to remove the bran layer, and an additional whitening step to meet market expectations for appearance of the rice kernels (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

PART IV — FINANCIAL PROVISION

- Clause 10:**
- (1) The Institute 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 pursuant to subsection (1) of this section:
 - (a) such sums as may be provided by the Government of the Federation;
 - (b) fees charged for services rendered by the Institute; and
 - (c) all sums accruing to the Institute by way of gifts, testamentary disposition and endowments or contributions from philanthropic persons or organisations or otherwise howsoever (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Clause 11: Power to accept gifts.

- (1) The Institute may accept gifts of land, money or other property upon such terms and conditions, if any, as may be specified by the person or organisation making the gifts.
- (2) The Institute shall not accept any gift if the conditions attached by the person or organisation making the gift to the acceptance thereof are inconsistent with the functions of the Institute (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Clause 12: Borrowing power.

- (1) The Institute may, with the consent of the Minister or in accordance with the general guidelines approved by the President, borrow by way of loan or overdraft from any source any moneys required by the Institute for meeting its obligations and discharging its functions under this Bill.
- (2) The Institute 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 with the like consent or general authority.
- (3) The Board may invest any surplus funds of the Institute in such securities as may be approved by the President (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Clause 13: Annual estimates accounts and audit.

- (1) The Board shall cause to be prepared not later than 30 June in each year an estimate of the expenditure and income of the Institute during the next succeeding year and when prepared they shall be submitted to the Minister.
- (2) The Board shall cause to be kept proper accounts of the Institute and proper records in relation thereto and when certified by the Board such accounts shall be audited as provided in subsection (3) of this section.
- (3) The accounts of the Institute shall be audited as soon as may be after the end of each year (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Clause 14: Annual report.

The Board shall, not later than 30 September in each year, submit to the Minister a report on the activities of the Institute and its administration during the immediately preceding year and shall include in such report the audited accounts of the Institute (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

PART V — MISCELLANEOUS

Clause 15: Staff regulations.

(1) The Board may, subject to the provisions of this Bill, make staff regulations relating generally to the conditions of service of the employees of the Institute and without prejudice to the generality of the foregoing, such regulations may provide for:

- (a) the appointment, promotion and disciplinary control (including dismissal) of employees of the Institute; and
- (b) appeals by such employees against dismissal or other disciplinary measure, and until such regulations are made, any instrument relating to the conditions of service of officers in the civil service of the Federation shall be applicable, with such modifications as may be necessary, to the employees of the Institute.

(2) Staff regulations made under subsection (1) or 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 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. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Clause 16: Procedure in respect of suits against the Institute.

No suit shall be commenced against the Institute before the expiration of a period of one month after written notice of intention to commence the suit shall have been served upon the Institute by the intending plaintiff or his agent; and the notice 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 (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Clause 17: Service of documents.

The notice referred to in section 18 of this Bill and any summons, notice or other document required or authorised to be served upon the Institute under the provisions of this Bill or any other enactment or law may be served by delivering the same to

the chairman or the Director General of the Institute, or by sending it by registered post addressed to the Director General of the Institute (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Clause 18: Restriction on execution against the property of the Institute.

In any action or suit against the Institute, no execution or attachment or process in the nature thereof shall be issued against the Institute, but any sums of money which may, by the judgment of the court, be awarded against the Institute shall subject to any directions given by the Institute, be paid from the general reserve fund of the Institute (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Clause 19: Power to give directions.

The Minister may give the Board directions of a general character or relating generally to particular matters (but not to any individual 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 such directions (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Clause 20: Interpretation.

In this Bill, unless the context otherwise requires:

"Rice" means the seed of the grass species *Oryza sativa* (Asian rice) or less commonly *Oryza glaberrima* (African rice). The name wild rice is usually used for species of the genera *Zizania* and *Porteresia*, both wild and domesticated, although the term may also be used for primitive or uncultivated varieties of *Oryza* (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

"Rice paddy" means a field planted with rice. This farmland is filled with vast rice paddies and plantations of bananas, pineapples, tea, and other crops (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

"Rice husk" means an agricultural waste. It is the outer hard protective covering which surrounds the paddy grain and accounts for 20%-25% of its weight (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

"Board" means the Board of Governors of the Institute constituted as provided in section 2 (1) of this Bill (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

"Director" means the Director of the Institute (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

"Institute" means the National Rice Production, Process and Research Institute, Igbemo-Ekiti, Ekiti State established by section 1 of this Bill (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

"member" means any member of the Board and includes the chairman (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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 Agriculture and Rural Development (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

"President" mean the President of the Federal Republic of Nigeria (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

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

Clause 21: Short Title.

This Bill may be cited as the National Rice Production, Processing and Research Institute, Igbemo-Ekiti, Ekiti State (Establishment) Bill, 2023 (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Explanatory Note:

This Bill seeks to make provision for an Institute to be known as the National Rice Production, Processing and Research Institute, Igbemo-Ekiti, Ekiti State to provide for its organization, control and operation (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

Agreed to.

Long Title:

A Bill for an Act to Establish National Rice Production, Processing and Research Institute, Igbemo-Ekiti, Ekiti State; and for Related Matters (HB.1905) (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai 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 on a Bill for an Act to Establish National Rice Production, Processing and Research Institute, Igbemo, Ekiti State; and for Related Matters (HB.1905) and approved Clauses 1 - 21, 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 resume consideration of the Report of the Committee on Healthcare Services on a Bill for an Act to Repeal the Counterfeit and Fake Drugs and Unwholesome Processed Foods (Miscellaneous Provisions) Act, Cap. C34, Laws of the Federation of Nigeria, 2004 and make Comprehensive Provisions for the Prohibition and Control of Counterfeit Medical Products, Fake Drugs and Unwholesome Processed Foods; and for Related Matters (HB.1666)" (*Hon. Momah Ifeanyi Chudy — Ihiala 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 REPEAL THE COUNTERFEIT AND
FAKE DRUGS AND UNWHOLESOME PROCESSED FOODS
(MISCELLANEOUS PROVISIONS) ACT, CAP. C34, LAWS OF THE
FEDERATION OF NIGERIA, 2004 AND ENACT THE COUNTERFEIT
AND FAKE DRUGS AND UNWHOLESOME PROCESSED FOODS
(MISCELLANEOUS PROVISIONS) BILL TO MAKE COMPREHENSIVE
PROVISIONS FOR THE PROHIBITION AND CONTROL OF
COUNTERFEIT MEDICAL PRODUCTS, FAKE DRUGS
AND UNWHOLESOME PROCESSED FOODS; AND
OTHER RELATED MATTERS (HB. 1666)

Committee's Recommendation:

Clause 25: Freezing order on Financial or Designated non-financial institutions.

- (1) Notwithstanding anything contained in any other enactment or law, the Director-General or an officer authorized by the Director General may, if satisfied that the money in the account of a person constitutes proceeds of an offence under this Bill, apply to the Court *ex-parte* for power to issue or instruct a bank examiner or such other appropriate regulatory authority to issue an order as specified in Form B set out in the Schedule to this Bill.

- (2) An order issued under subsection (1) shall be addressed to the manager of the financial institution or the person in control of the designated non financial institution where the account is or believed by him to be or the head office of the financial institution or the designated non financial institution to freeze the account.
- (3) The Agency, or an officer authorized by it may by an order issued under subsection (1) of this section, or by a subsequent order, direct the financial institution or designated non financial institution to:
 - (a) supply an information and produce books and documents relating to the account; and
 - (b) stop all outward payments, operations or transactions (including a bill of exchange) in respect of the account of the person.
- (4) The manager or the person in control of the financial institution or designated non financial institution shall on being served with the order made pursuant to subsection (2) of this section shall take appropriate steps to comply with the requirements of the order
- (5) In this section:
 - (a) "bank" has the meaning given to it in the Banks and other Financial Institutions Act; and
 - (b) "Designated non-financial institutions" means dealers in "jewellery, cars and luxury goods, chartered accountants, audit firms, tax consultants, clearing and settlement companies, legal practitioners, hotels, casinos, supermarkets or such other business as the Federal Ministry of Trade and Investment or appropriate regulatory authorities may from time to time designate";
 - (c) "Financial Institution" means —
 - (i) anybody or institution which carries on any banking business or financial transactions whether lawfully or unlawfully as defined in the Banks and other Financial Institutions Act;
 - (ii) banks, body, association or group of persons whether corporate or incorporate which carries the business of investments and securities, a discount house, insurance institutions, debt factorization and conversion firms, bureau de Change, finance Company, Money brokerage firms whose principal business includes factoring, project financing equipment leasing, debt administration, fund management, private ledger services, investment services, local purchase order financing, export finance, project consultancy, pension funds management and other business as the Central Bank or other appropriate regulatory authorities may from time to time designate;
 - (d) Reference to an order issued, includes a reference to an order, a direction or requirement addressed to the manager of a bank or other officer of a bank which directs the

manager or other officer to stop all outward payments, operations or transactions in respect of an account with that bank (*Hon. Momah Ifeanyi Chudy — Ihiala Federal Constituency*).

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

PART IV — PROCEEDINGS AND EVIDENCE

Committee's Recommendation:

Clause 26: Jurisdiction and special powers of the Court.

- (1) The Federal High Court shall have exclusive jurisdiction to try any offence under this Bill and deal with all matters arising from or relating to the provisions of this Bill.
- (2) The Court has power, notwithstanding anything to the contrary in any other Act to:
 - (a) ensure that all matters brought before the Court by the Agency against a person, body or an authority shall be conducted with dispatch and given accelerated hearing; and
 - (b) adopt all lawful measures necessary to avoid unnecessary delays and abuse in the conduct of matters brought by the Agency before it or against a person, body or an authority.
- (3) The Chief Judge of the Federal High Court may designate a Court or Judge as he deems appropriate to hear and determine all cases under this Bill or other related offences under this Bill (*Hon. Momah Ifeanyi Chudy — Ihiala Federal Constituency*).

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

Committee's Recommendation:

Clause 27: Admissibility of Statements in Document produced from Computers.

In proceedings under this Bill, a statement contained in a document reproduced by means of a computer or other electronic media is admissible as evidence of a fact stated in it in any circumstance where oral evidence would be admissible (*Hon. Momah Ifeanyi Chudy — Ihiala Federal Constituency*).

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

Committee's Recommendation:

Clause 28: Conduct of Proceedings.

- (1) Subject to the provisions of section 174 of the Constitution of the Federal Republic of Nigeria, 1999, a legal officer or legal practitioner appointed by the Agency shall conduct criminal proceedings in respect of offences under this Bill or regulations made under this Bill and related legislation.
- (2) In judicial proceedings for an offence under this Bill or regulations made under it, the provisions of the Administration of Criminal Justice Act apply in respect of the matter (*Hon. Momah Ifeanyi Chudy — Ihiala Federal Constituency*).

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

Committee's Recommendation:

Clause 29: Presumption of source of proceeds.

Where, in a case involving the proceeds of an offence under this Bill:

- (a) the property or money was acquired during or within a reasonable time after the commission of an offence; and
- (b) there is no other source of the property or money other than the offence, the Court shall, subject to any contrary evidence, presume that the property or money constitutes the proceeds of that offence (*Hon. Momah Ifeanyi Chudy — Ihiala Federal Constituency*).

Question that Clause 29 stands part of the Bill — Agreed to.

Committee's Recommendation:**Clause 30: Appeals against interlocutory rulings.**

Subject to the provisions of the Constitution of the Federal Republic of Nigeria, 1999, an application for stay of proceedings, in respect of a criminal matter brought or commenced by the Agency before the Court, shall not be entertained by any court until final judgment is delivered by the Court in the substantive criminal matter (*Hon. Momah Ifeanyi Chudy — Ihiala Federal Constituency*).

Question that Clause 30 stands part of the Bill — Agreed to.

Committee's Recommendation:**Clause 31: Evidence of Accomplice and agent provocateur.**

- (1) Notwithstanding a written law or rule of law to the contrary, in any proceedings against a person for an offence under this Bill:
 - (a) a witness is not regarded as an accomplice by reason only that the witness is in any manner concerned with the commission of the offence, or that he had knowledge of the commission of the offence if, before the completion of the act or acts constituting the offence, the witness had reported his knowledge of his participation to the Agency;
 - (b) an agent provocateur, whether he is an officer of the Agency or not, is not presumed to be unworthy of credit by reason only of his having attempted to commit, or abet or having abetted or engaged in a criminal conspiracy to commit the offence, if the main purpose of the attempt, abetment or engagement was to secure evidence of the commission of the offence against the person; and
 - (c) a statement, whether oral or written, made to an agent provocateur by the person is admissible as evidence at his trial (*Hon. Momah Ifeanyi Chudy — Ihiala Federal Constituency*).

Question that Clause 31 stands part of the Bill — Agreed to.

Committee's Recommendation:**Clause 32: Bail.**

- (1) Where a person is arrested for, or charged with an offence under this Bill, the Court may on an application by the person grant bail unless there is reasonable ground to believe that if that person is released on bail he may:
 - (a) commit another offence under this Bill;

- (b) evade trial;
 - (c) influence, interfere with or intimidate witnesses;
 - (d) conceal or destroy evidence; or
 - (e) interfere with the investigation of the case.
- (2) In addition to any other condition prescribed under any other law, the Court may require the deposit of a sum of money or other security as the Court may specify from the person applying for bailor the surety before bail is granted (*Hon. Momah Ifeanyi Chudy — Ihiala Federal Constituency*).

Question that Clause 32 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 33: Power to receive information without hindrance.

- (1) The Agency shall seek and receive information from a person, authority, a corporation or company without let or hindrance in respect of an offence under this Bill.
- (2) An officer of the Agency shall not be compelled to disclose the source of information or identity of an informant except by order of court (*Hon. Momah Ifeanyi Chudy — Ihiala Federal Constituency*).

Question that Clause 33 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 34: Penalty for false information.

- (1) A person who makes or causes another person to make to an officer of the Agency in the course of the exercise by the officer of his duties, a statement which to the knowledge of the person making the statement, or causing the statement to be made:
 - (a) is false, or intended to mislead or is untrue in any material particular; or
 - (b) is inconsistent with another statement previously made by the person to another person who had authority or power under any law to receive, or require to be made that other statement, notwithstanding that the person making the statement is not under any legal or other obligation to tell the truth; commits an offence and shall be liable on conviction to imprisonment for a term of five years or to a fine not exceeding One Hundred Thousand Naira or both.
- (2) For the purposes of subsection (1) of this section, a statement criminal, or a statement made by a person in the course of disciplinary proceedings, whether the legal or disciplinary proceedings are against the person making the statement or against another person, is deemed to be a statement made to a person having authority or power under the law to receive the statement so made (*Hon. Momah Ifeanyi Chudy — Ihiala Federal Constituency*).

Question that Clause 34 stands part of the Bill — Agreed to.

ADMINISTRATIVE AND INTERVENTION FUNDS

Clause 35: Special Regulated Products Levy.

- (1) There is established under this Bill a Special Regulated Products Levy Fund.
- (2) The Agency shall collect a two percent levy ("the Levy") from importers and manufacturers of Special Regulated Products and pay the proceeds of the Levy collected into the Special Regulated Products Fund established under subsection (1) of this section.
- (3) For the purpose of this Part, "Special Regulated Products" include alcoholic beverage, tobacco and tobacco products, energy drinks, and any health or health product as may be designated by the Minister and published in the Official Gazette of the Federal Government.
- (4) The monies accruing into the Special Regulated Products Levy Fund established under sub-section (1) of this section shall be disbursed as follows:
 - (a) fifty percent into the Consolidated Revenue Fund of the Federation;
 - (b) thirty percent to meet part of the running costs of the Agency for the implementation and enforcement of the provisions of this Bill and its other statutory functions;
 - (c) ten percent to the Bank of the Industry as part of the Food and Drug Intervention Fund for the establishment and development of the food and drug Industries;
 - (d) five percent to the National Health Insurance Fund to meet part of its running costs; and
 - (e) five percent into the Research and Development Account of the National Institute for Pharmaceutical Research and Development for purposes of research and development to implement policies, plans and programmes under the National Health Policy.
- (5) To enable the Agency assess and collect the Levy imposed under subsection (1) of this section from an importer or a manufacturer, the Agency shall:
 - (a) examine all Special Regulated Products at all ports of entry, manufacturing, establishments and points of sale;
 - (b) device appropriate forms and documents necessary for the assessments and collection of the Levy.

Committee's Recommendation:

Leave out Clause 35 (Hon. Momah Ifeanyi Chudy — Ihiala Federal Constituency).

Agreed to.

Committee's Recommendation:**Clause 37: Establishment of an Asset Recovery Fund.**

- (1) There is established for the Agency under this Bill an Asset Recovery Fund into which shall be paid a percentage of proceeds of assets recovered from crimes committed under this Bill.

- (2) The percentage referred to in sub-section (1) of this section to be paid to the Agency, shall be as may be determined by the President of the Federal Republic of Nigeria from time to time.
- (3) The Agency shall, subject to regulations made by the Minister under section 38 of this Bill, administer the monies in the Assets Recovery Fund solely for the purpose of:
 - (a) strengthening the activities of the Agency; and
 - (b) exercising the other related powers of the Agency (*Hon. Momah Ifeanyi Chudy — Ihiala Federal Constituency*).

Question that Clause 37 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 38: Power to make Regulations.

- (1) Subject to the other provisions of this Bill, the Agency with the approval of the Minister may make regulations:
 - (a) for the disposal or sale of any property or assets forfeited pursuant to this Bill;
 - (b) to prescribe the obligation and responsibilities of retailers, distributors or manufacturers in the eradication of counterfeit medical products; and
 - (c) generally for purposes of this Bill and its due administration.
- (2) The Agency may prescribe, subject to the approval of the Minister, payment of such monetary reward to a person who gives vital and genuine information that leads to the arrest and prosecution of a person who has committed an offence under the provisions of this Bill and of the recovery of an article or item connected with the commission of the offence (*Hon. Momah Ifeanyi Chudy — Ihiala Federal Constituency*).

Question that Clause 38 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 39: Repeal of Cap. C34, LFN, 2004 and savings.

- (1) The Counterfeit and Fake Drugs and Unwholesome Processed Foods (Miscellaneous Provisions) Act, Cap. C34, LFN, 2004 is hereby repealed.
- (2) The repeal of the Act specified in subsection (1) of this section shall not affect a thing done or purported to be done under the repealed Act (*Hon. Momah Ifeanyi Chudy — Ihiala Federal Constituency*).

Question that Clause 39 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 40: Interpretation.

In this Bill, unless the context otherwise requires:

"adulterated" when used in relation to medical product, chemical or cosmetic, refers to a situation when:

- (a) the method used in, or the facilities or controls used for, its manufacture, processing, packing, or holding do not conform to, or are not operated or administered in conformity with, current good manufacturing practice to ensure that the product meets-
- (i) the requirements of the Food and Drugs Act, Cap. F32, LFN, 2004 or any other standard prescribed by any other legislation as to safety, identity and strength, and
 - (ii) the quality and purity characteristics, which it purports or it represents to possess; or
- (b) it purports to be or is represented as a product, the name of which is recognized in an official compendium or in a legislation and has its strength differing from, or its quality or purity falling below the standard set forth in the compendium or legislation (*Hon. Momah Ifeanyi Chudy — Ihiala Federal Constituency*).

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

"Agency" means the National Agency for Food and Drug Administration and Control Agency established under the National Agency for Food and Drug Administration and Control Act (*Hon. Momah Ifeanyi Chudy — Ihiala Federal Constituency*).

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

"banned medical product" means a medical product prohibited under the provisions of a legislation or notice issued by the Minister (*Hon. Momah Ifeanyi Chudy — Ihiala Federal Constituency*).

Question that the meaning of the words "banned medical product" be as defined in the interpretation to this Bill — Agreed to.

"chemical" means a substance or reagent that is produced or used in a process to produce a chemical effect and it includes dusts, mixtures and common materials such as paints, fuels, solvents and fertilizers (*Hon. Momah Ifeanyi Chudy — Ihiala Federal Constituency*).

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

"cosmetic" includes a substance or mixture intended to be rubbed, poured or sprinkled or sprayed, introduced into or otherwise applied to the human body or any part of it for cleansing, beautifying, promoting attractiveness, altering the complexion, skin, hair or teeth and include deodorants and detergent powder (*Hon. Momah Ifeanyi Chudy — Ihiala Federal Constituency*).

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

"Council" means the Governing Council of the Agency (*Hon. Momah Ifeanyi Chudy — Ihiala Federal Constituency*).

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

"counterfeit medical product" means a product whether branded or generic that is falsely labeled with respect to identity or source and includes a medical product without the correct active ingredients or with insufficient quantity of active ingredients or with fake packaging (*Hon. Momah Ifeanyi Chudy — Ihiala Federal Constituency*).

Question that the meaning of the words "counterfeit medical product" be as defined in the interpretation to this Bill — Agreed to.

"Director-General" means the Director General of the Agency (*Hon. Momah Ifeanyi Chudy — Ihiala Federal Constituency*).

Question that the meaning of the words "Director-General" be as defined in the interpretation to this Bill — Agreed to.

"drug and drug product" includes any product containing an active medicinal ingredient, packaging materials, labels, wrappers, containers, instruments, apparatus, or equipment used in the manufacture, processing, storing, dispensing or packaging of drugs" (*Hon. Momah Ifeanyi Chudy — Ihiala Federal Constituency*).

Question that the meaning of the words "drug and drug product" be as defined in the interpretation to this Bill — Agreed to.

"fake medical product" means:

- (a) a medical product:
 - (i) which is not what it purports to be,
 - (ii) which is so coloured, coated, powdered or polished that the damage is concealed,
 - (iii) which is made to appear to be better or of greater therapeutic value than it really is,
 - (iv) which is not labeled in the prescribed manner or which label or container or anything accompanying a drug bears any statement, design or device which makes a false claim for a drug or which is false or misleading,
 - (v) the container of which is so made, formed or filled as to be misleading; or
- (b) a drug or drug product the label of which does not bear adequate directions for use and such adequate warning against use in those pathological conditions or by children where its use may be dangerous to health or against unsafe dosage or method or duration of use (*Hon. Momah Ifeanyi Chudy — Ihiala Federal Constituency*).

Question that the meaning of the words "fake medical product" be as defined in the interpretation to this Bill — Agreed to.

"medical product" include drug, medical device and their accessories, active

pharmaceutical ingredient, excipients, biologics, vaccines, toxins, venoms, blood and blood products and tissues (*Hon. Momah Ifeanyi Chudy — Ihiala Federal Constituency*).

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

"medical device" includes packaging material, label, wrapper, container, instrument, apparatus, or equipment used in the manufacture, processing, storing, dispensing or packaging of a medical product (*Hon. Momah Ifeanyi Chudy — Ihiala Federal Constituency*).

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

"market" includes a place of commercial activities where drugs and drug products are sold, bought, displayed for sale or offered for sale; and this includes cyber sale (*Hon. Momah Ifeanyi Chudy — Ihiala Federal Constituency*).

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

"Minister" means the Minister charged with the responsibility for matters relating to health (*Hon. Momah Ifeanyi Chudy — Ihiala Federal Constituency*).

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

"National Committee" means the National Committee established under section 8 of this Bill (*Hon. Momah Ifeanyi Chudy — Ihiala Federal Constituency*).

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

"On line" includes the internet, web retailing, on-line market places or e-commerce service provider (*Hon. Momah Ifeanyi Chudy — Ihiala Federal Constituency*).

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

"poison" includes the substances enumerated in the Poison and Pharmacy Act, Cap. 152, LFN, 1958 which shall, whether natural or synthetic, be deemed poisons whether mixed with other ingredients or not and whatever restrictions placed on any particular poison shall apply to it whether it is unmixed or is contained as an ingredient in some preparation, unless it is contained in one of the preparations specifically exempted from such provision (*Hon. Momah Ifeanyi Chudy — Ihiala Federal Constituency*).

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

"proceeds" means, subject to section 26 of this Bill, property or money derived or obtained directly or indirectly, from the commission of an offence under this Bill (*Hon. Momah Ifeanyi Chudy — Ihiala Federal Constituency*).

Question that the meaning of the word "proceeds" be as defined in the interpretation

to this Bill — Agreed to.

"property" means any property, whether real or personal which is capable of being owned by a person (*Hon. Momah Ifeanyi Chudy — Ihiala Federal Constituency*).

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

"related legislations" include the:

- (i) National Agency for Food and Drug Administration and Control Act, Cap. N1, LFN, 2004 and related regulations;
- (ii) Food Drugs and related Products (Registration, etc.) Act, Cap. F33, LFN, 2004 and related agencies;
- (iii) Marketing Breast Milk Substitute Act Cap. M5, LFN, 2004 or regulations made there under;
- (iv) Import Prohibition Act Cap. 13, LFN 2004 and related regulations;
- (v) section 1 (18) and (19), 2 and 3 of the Miscellaneous Offences Act, Cap. M17, LFN, 2004
- (vi) section 243 of the Criminal Code Act, Cap. C38, LFN, 2004; and
- (vii) National Drug Formulary and Essential Drugs List Act, Cap. N29, LFN, 2004 or regulations made there under (*Hon. Momah Ifeanyi Chudy — Ihiala Federal Constituency*).

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

"substandard drug" means a drug which has in its preparation or manufacture an ingredient that falls below the specification contained in the official compendium, namely, the British Pharmacopoeia, British Pharmaceutical Codex, United States Pharmacopoeia, European Pharmacopoeia or any official compendium recognized by the Agency (*Hon. Momah Ifeanyi Chudy — Ihiala Federal Constituency*).

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

"the Act" means the National Agency for Food and Drug Administration and Control Act, Cap. N1, 2004 (*Hon. Momah Ifeanyi Chudy — Ihiala Federal Constituency*).

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

"unwholesome processed food product" means any food product which:

- (a) consists in whole or in part, of any filthy, putrid or decomposed substance;
- (b) has been prepared, transported, marketed, packaged or stored under unsanitary conditions where it may have been contaminated with filth or whereby it may have been rendered injurious to health;

- (c) is packed in a container composed in whole or in part of any injurious or deleterious substance which may render the content injurious to health;
- (d) bears or contains for the purposes of colouring only a colour other than one which is prescribed;
- (e) contains any harmful or toxic substance which may render it injurious to health or has been mixed with some other substance which may render it injurious to health or has been mixed with some other substance so as to reduce its quality or strength;
- (f) the "best before" date, batch number, ingredients list, information as prescribed by the Agency or date of expiry on the label of the food article has been revalidated";
- (g) is a food article beyond the shelf-life stated on the label, packaging material or beyond the Best Before Date prescribed by the National Agency for Food and Drug Administration and Control for that food article";
- (h) is labeled, presented or advertised in a manner that is false, deceptive or misleading; or
- (i) has an expired best before date; or
- (j) when imported does not leave sufficient time as prescribed by the Agency for distribution before the best before date (*Hon. Momah Ifeanyi Chudy — Ihiala Federal Constituency*).

Question that the meaning of the words "unwholesome processed food product" be as defined in the interpretation to this Bill — Agreed to.

"victim" means a person who has suffered a disability or an adverse consequence as a result of using or consuming a counterfeit medical product, an adulterated, banned or fake, substandard or an expired medical product or unwholesome processed foods or a packaged water, adulterated cosmetic or adulterated or mislabeled chemical in any form (*Hon. Momah Ifeanyi Chudy — Ihiala Federal Constituency*).

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

Question that Clause 40 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 41: Short Title.

This Bill may be cited as the Counterfeit Medical Products, Fake Drugs and Unwholesome Processed Foods (Prohibition and Control) Bill, 2023 (*Hon. Momah Ifeanyi Chudy — Ihiala Federal Constituency*).

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

SCHEDULE

FORM A

COUNTERFEIT MEDICAL PRODUCTS, FAKE DRUGS
AND UNWHOLESOME PROCESSED FOODS
(PROHIBITION AND CONTROL) ACT, 2012

DECLARATION OF ASSETS FORM

To be completed in **TRIPLICATE** and in **BLOCK LETTERS** or typed.

All available information should be included Important:

- (A) It is an offence punishable by up to a maximum of 5 years imprisonment under the Act to:
- (i) knowingly fail to make full disclosure of your assets and liabilities
 - (ii) knowingly make a declaration that is false, or
 - (iii) fail, neglect or refuse to make a declaration or furnish any information required
- (B) (i) Each item is to be completed. If it does not apply, the person affected must write 'nil' or 'none' in the space. Where necessary, an extra sheet or sheets may be used and attached to this form by the person affected.
- (ii) The Form shall be addressed to the Director General or any other officer authorized by him

I.....being accused of the offence..... under the Counterfeit Medical Products, Fake Drugs And Unwholesome Processed Foods (Prohibition and Control) Bill, 2012 declare my assets as follows:

10. Aliens:
- (a) Nationality
 - (b) If Naturalized Alien provide Registration No. Certificate
11. Schools attended with dates: Primary School:
Post Primary School
Secondary:
University, etc.
Qualifications attained.
12. Amount held in own account
- (i) Cash in hand
 - (ii) Cash at bank.
 - (iii) Outside Nigeria (Countries/Banks to be named)
13. Amount held on behalf of or as trustee for any person other than your spouse:
- (i) Cash in hand
 - (ii) Cash at bank
 - (iii) Outside Nigeria (Countries/Banks to be named)
14. Loans or advances made.....

15. Loans or advances received
16. Amount held on behalf of or as trustee of spouse:
 - (i) Cash in hand
 - (ii) Cash at bank
 - (iii) Outside Nigeria (Countries/Banks to be named)
17. Spouse/children's account held (beneficial or otherwise):
 - (i) Cash in hand
 - (ii) Cash at bank
 - (iii) Outside Nigeria (Countries /Banks to be named).
18. Government securities including premium bonds and other interests held in companies, firms or partnerships (giving names of companies, firms and partnerships):
 - (a) By you (here state the bonds, etc)
 - (b) By spouse (here state the bonds, etc)
 - (c) By children (here state the bonds, etc)
19. Property in Nigeria in which you are interested in giving date when acquired:
 - (i) Land:
 - (ii) Buildings:
 - (iii) Other property, (if any).
20. Membership, ownership, directorship, shareholding, or other related interest in:
 - (i) A Company incorporated in Nigeria
 - (ii) A Company incorporated outside Nigeria
 - (iii) A Partnership or sole proprietorship
21. Property outside Nigeria in which you are interested in giving date when acquired:
 - (i) Land:
 - (ii) Buildings:
 - (iii) Other property, (if any)
22. Property outside Nigeria in which any spouse is interested in giving date when acquired —
 - (i) Land:
 - (ii) Buildings:

- (iii) Other property, (if any):
23. Property in Nigeria in which any spouse is interested in giving a date when acquired:
- (i) Land
- (ii) Buildings
- (iii) Other Property, (if any):
24. Property in Nigeria in which any child of yours is interested in giving date when acquired —
- (i) Land:
- (ii) Buildings:
- (iii) Other property, (if any).
25. Property outside Nigeria in which any child of yours is interested in giving date when acquired —
- (i) Land:
- (ii) Buildings
- (iii) Other property (if any).
26. Names of other dependent relatives:
27. Estate in which you are interested as trustee or beneficially interested (*Name of deceased or trustee*).
28. Property held by any person on your behalf — (in or outside Nigeria):
- (i) Cash in hand;
- (ii) Cash at bank;
- (iii) Land:
- (iv) Buildings
- (v) Other Properties

If outside Nigeria, insert names of countries and banks

.....
Signature of Suspect/Accused Person

.....
Signature and Address of Witness

FORM B

Section 26 (1)

COUNTERFEIT MEDICAL PRODUCTS, FAKE DRUGS AND UNWHOLESOME PROCESSED FOODS (PROHIBITION AND CONTROL) ACT, 2012.

FREEZING ORDER

(This form may be amended according to circumstances)

- 1. To the Manager (Here insert name and branch of bank)

Under the authority conferred on me by section 22 of the Counterfeit and Fake Drugs and Unwholesome Processed Foods (Miscellaneous Provisions) Act 2012, you are hereby ordered to —

- (a) supply the following information relating to the under mentioned accounts, that is to say —

(Here set out the information required in respect of named accounts)

- (b) produce the books and documents relating to the under mentioned accounts, that is to say

(Here set out the books and documents to be produced in respect of the named accounts)

- (c) stop all outward payments, operations or transactions (including bills of exchange) as far as possible in the ordinary cause of banking in respect of the following accounts —

(Here indicate the accounts)

- 2. This order shall remain in force until revoked.

Dated at, this day of, 20.....

Director- General/Authorised Officer (Hon. Momah Ifeanyi Chudy — Ihiala Federal Constituency).

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

Explanatory Memorandum:

This Bill seeks to Repeal the Counterfeit and Fake Drugs and Unwholesome Processed Foods (Miscellaneous Provisions) Act, Cap. C34, Laws of the Federation of Nigeria, 2004 and Enact the Counterfeit and Fake Drugs and Unwholesome Processed Foods (Miscellaneous Provisions) Bill to Make Comprehensive Provisions for the Prohibition and Control of Counterfeit Medical Products, Fake Drugs and Unwholesome Processed Foods (Hon. Momah Ifeanyi Chudy — Ihiala Federal Constituency).

Agreed to.

Long Title:

A Bill for an Act to Repeal the Counterfeit and Fake Drugs and Unwholesome Processed Foods

(Miscellaneous Provisions) Act, Cap. C34, Laws of the Federation of Nigeria, 2004 and Enact the Counterfeit and Fake Drugs and Unwholesome Processed Foods (Miscellaneous Provisions) Bill to Make Comprehensive Provisions for the Prohibition and Control of Counterfeit Medical Products, Fake Drugs and Unwholesome Processed Foods and Other Related Matters (HB. 1666) (*Hon. Momah Ifeanyi Chudy — Ihiala 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 resumed consideration of the Report of the Committee on Healthcare Services on a Bill for an Act to Repeal the Counterfeit and Fake Drugs and Unwholesome Processed Foods (Miscellaneous Provisions) Act, Cap. C34, Laws of the Federation of Nigeria, 2004 and make Comprehensive Provisions for the Prohibition and Control of Counterfeit Medical Products, Fake Drugs and Unwholesome Processed Foods; and for Related Matters (HB.1666) and approved Clauses 25 - 40, 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) Report of the Conference Committee:

Motion made and Question proposed, "That the House do consider the Report of Conference Committee on a Bill for an Act to Repeal the National Human Rights Commission Act, Cap. N46, Laws of the Federation of Nigeria, 2004 (as amended) and Enact the National Human Rights Commission Act, 2022 in order to further strengthen and reposition the Commission for the Effective and Efficient Performance of its Statutory Functions; and for Related Matters" (*Hon. Igwe Chinyere Emmanuel — Port Harcourt II 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)

**CONFERENCE COMMITTEE REPORT ON THE
NATIONAL HUMAN RIGHTS COMMISSION ACT
(REPEAL AND ENACTMENT) BILL, 2023**

Long Title:

A Bill for an Act to Repeal the National Human Rights Commission Act, Cap. N46, Laws of the Federation of Nigeria 2004 (As Amended); and Enact the National Human Rights Commission Act, 2022 in Order to Further Strengthen and Reposition the Commission for the Effective and Efficient Performance of its Statutory Functions; and for Related Matters (*Hon. Chinyere Emmanuel Igwe — Port Harcourt II Federal Constituency*).

Agreed to.

Clause 2: Governing Council.

- (1) There shall be for the Commission a Governing Council (in this Bill referred to as "the Council") which shall be responsible for the discharge of the functions of the Commission.

- (2) The Council shall consist of —
- (a) a Chairperson who shall be a retired Justice of the Supreme Court, or Court of Appeal, or a retired Judge of the Federal High Court or High Court of the Federal Capital Territory, Abuja or High Court of a State or a Legal Practitioner with 20 years post qualification experience and requisite experience in human rights;
 - (b) a representative each of the Federal Ministry of —
 - (i) Justice, who shall not be below the rank of a Director,
 - (ii) Foreign Affairs, who shall not be below the rank of a Director,
 - (iii) Interior, who shall not be below the rank of a Deputy Comptroller of Correctional Services:

Provided that *ex-officio* members shall not have voting powers in the Council;
 - (c) 3 representatives of registered human rights organizations in Nigeria;
 - (d) 2 legal practitioners who shall not have less than 10 years post-qualification experience to be appointed on the recommendation of the National Executive Committee of the Nigerian Bar Association;
 - (e) 3 representatives of the print and electronic media, one to represent the public and two to represent the private media;
 - (f) a representative of the organized labour;
 - (g) 2 other persons who shall be women with sufficient experience in human rights issues; and
 - (h) the Executive Secretary of the Commission.
- (3) The Chairperson and members of the Council shall each be —
- (a) persons of proven integrity; and
 - (b) appointed by the President, subject to confirmation by the Senate.
- (4) Every member of the Council shall, before starting his/her duties, make and subscribe to an oath that he/she shall faithfully and impartially and to the best of his/her ability, discharge the duties devolving upon him/her under the Act, that he/she shall not divulge the proceedings, votes or opinions of the members of the Council or any other matter relevant to the functions of the Commission.
- (5) Such oath shall be in accordance with the Oaths Act.
- (6) The supplementary provisions set out in the Schedule to this Bill shall have effect with respect to the proceedings of the Council and the other matters

contained therein (*Hon. Chinyere Emmanuel Igwe — Port Harcourt II Federal Constituency*).

Agreed to.

Clause 4: Cessation of membership.

- (1) A Member of the Council shall be removed from office by the President, Commander-in-Chief-of the Armed Forces subject to confirmation by simple majority of the Senate, if he/she —
 - (a) becomes of unsound mind;
 - (b) becomes bankrupt or makes a compromise with his/her creditors;
 - (c) is convicted of a felony or any offence involving dishonesty; or
 - (d) is guilty of serious misconduct in relation to his/her duties.
- (2) Where a vacancy occurs in the membership of the Council, it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his/her predecessor, so however that the successor shall represent the same interest and shall be appointed by the President (*Hon. Chinyere Emmanuel Igwe — Port Harcourt II Federal Constituency*).

Agreed to.

PART II — FUNCTIONS AND POWERS

Clause 5: Functions of the Commission.

The Commission shall —

- (a) deal with all matters relating to the promotion and protection of human rights guaranteed by the Constitution- of the Federal Republic of Nigeria (as amended), the United Nations Charter and the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of all forms of Discrimination Against Women, the Convention on the Rights of the Child, the African Charter on Human and Peoples' Rights and other International and Regional Instruments on human rights to which Nigeria is a party;
- (b) monitor and investigate all alleged cases of human rights violation in Nigeria and make appropriate recommendations to the President for the prosecution and such other actions as it may deem expedient in each circumstance;
- (c) assist victims of human rights violation and seek appropriate redress and remedies on their behalf;
- (d) undertake studies on all matters pertaining to human rights and assist the Federal, State and Local Governments where it considers it appropriate to do so in the formulation of appropriate policies on the guarantee of human rights;
- (e) publish and submit, from time to time, to the President, National Assembly, Judiciary, State and Local Governments, reports on the state of human rights promotion and protection in Nigeria;

- (f) organise local and International seminars, workshops and conferences on human rights issues for public enlightenment;
- (g) liaise and cooperate, in such manner as it considers appropriate, with local and International Organizations on human rights with the purpose of advancing the promotion and protection of human rights;
- (h) participate in such manner as it considers appropriate in all International activities relating to the promotion and protection of human rights;
- (i) maintain a library, collect data and disseminate information and materials on human rights;
- (j) receive and investigate complaints concerning violations of human rights and make appropriate determination as may be deemed necessary in each circumstance;
- (k) examine any existing legislation, administrative provisions and proposed bills or bye laws for the purpose of ascertaining whether such enactments or proposed bills or bye-laws are consistent with human rights norms;
- (l) prepare and publish, in such manner as the Commission considers appropriate, guidelines for the avoidance of acts or practices with respect to the functions and powers of the Commission under this Bill;
- (m) promote an understanding of public discussions of human rights issues in Nigeria;
- (n) undertake and coordinate, on its own initiative or on request of the Federal, State or Local Government, research and educational programmes and such other programmes for the promotion and protection of human rights;
- (o) on its own initiative or when requested by the Federal, State or Local Government, report on actions that should be taken by the Federal, State or Local Government to comply with the provisions of any relevant international human rights instruments;
- (p) refer, any matter of human rights violation requiring prosecution to the Attorney-General of the Federation or of a State, as the case may be;
- (q) where it considers it appropriate to do so act as a conciliator between parties to a complaint;
- (r) where it considers it appropriate, with the leave of the court, hearing the proceedings and subject to any condition imposed by the court, intervene in any proceeding that involves human rights issues; and
- (s) carry out all other functions as are necessary and expedient for the performance of its functions under the Bill (*Hon. Chinyere Emmanuel Igwe — Port Harcourt II Federal Constituency*).

Agreed to.

Clause 6: Powers of the Commission.

- (1) The Commission, shall have power to —

- (a) conduct its investigations and inquiries in such manner as it considers appropriate;
 - (b) institute any civil action on any matter it deems fit in relation to the exercise of its functions under this Bill;
 - (c) appoint any person, whether or not such person is in the public service, to act as an interpreter in any matter brought before it and to translate any such book, paper or writing produced to it;
 - (d) visit correctional centres, police cells, other places of detention or holding facilities, in order to ascertain the conditions thereof and make recommendations to the appropriate authorities;
 - (e) make determination as to the damages or compensation payable in relation to any violation of human rights where it deems it necessary in the circumstances of the case;
 - (f) co-operate and consult with other agencies and organizations, governmental and non-governmental, as it may deem appropriate; and
 - (g) do such other things as are incidental, necessary, conducive or expedient for the performance of its functions under this Bill.
- (2) Whenever it appears to the Executive Secretary upon information and after such inquiry as he shall think necessary, that there is reasonable cause to suspect that in any place there is evidence of the commission of any offence under this Bill, he may by written order direct an officer of the Commission to —
- (a) enter upon any land or premises or by any agent or agents duly authorized in writing for any purpose which, in the opinion of the Commission is material to the functions of the Commission, and-in particular, for the purpose of obtaining evidence or information or of inspecting or taking copies of any document required by, or which may-be of assistance to the Commission and for safeguarding any such document or property which in the opinion of the Commission ought to be safeguarded for any purpose of its investigations or proceedings; provided a court order is obtained in this respect;
 - (b) summon and interrogate any person, body or authority to appear before it for the purpose of a public inquiry aimed at the resolution of a complaint of human rights violation;
 - (c) issue a warrant to compel the attendance of any person who, after having been summoned to attend, fails refuses or neglects to do so and does not excuse such failure, refusal or neglect to the satisfaction of the Commission;
 - (d) compel any person, body or authority who, in its opinion, has any information relating to any matter under its investigation to furnish it with any information or produce any document or other evidence which is in his or her custody and which relates to any matter being investigated; and

- (e) compel the attendance of witnesses to produce evidence before it.
- (3) In exercising its functions and powers under this Bill, the Commission shall not be subject to the direction or control of any other authority or person.
- (4) It is an offence for any person, body or authority to —
 - (a) refuse to provide evidence, including documentary evidence to the Commission in response to a written request to do so except where such disclosure is not permitted by the law;
 - (b) obstruct or do anything to prevent any member of the Council or an employee of the Commission from the lawful exercise of any of the functions conferred on the Commission by this Bill;
 - (c) punish, intimidate, harass or discriminate against any person for co-operating with the Commission in the exercise of its functions under this Bill; or
 - (d) refuse to comply with lawful directives, determination, decision or finding of the Commission.
- (5) A person who commits an offence under subsection (4) of this section is liable on conviction to imprisonment for a term of 6 months or to a fine of ₦100,000.00 or to both such imprisonment and fine (*Hon. Chinyere Emmanuel Igwe — Port Harcourt II Federal Constituency*).

Agreed to.

Clause 7: Executive Secretary of the Commission.

- (1) There shall be for the Commission an Executive Secretary who shall be:
 - (a) a legal practitioner with not less than 20 years post qualification experience and requisite experience in human rights issues; and
 - (b) a person of proven integrity and be the Chief Executive and Accounting Officer of the Commission; and
 - (c) appointed by the President subject to confirmation by the Senate.
- (2) The Executive Secretary shall hold office for a term of five years in the first instance on such terms and conditions as the President, may determine, and may be reappointed for one further term of five years and no more.
- (3) The Executive Secretary shall be responsible for the day-to-day administration of the Commission and the implementation of the decisions of the Council subject to such general directions the Council may give.
- (4) The Executive Secretary shall perform the functions of keeping the record of proceedings and decisions of the Council and such other functions as the Council may, from time to time, direct (*Hon. Chinyere Emmanuel Igwe — Port Harcourt II Federal Constituency*).

Agreed to.

Clause 8: Other staff of the Commission, etc.

- (1) The Council shall have power to appoint directly, and either on transfer or on secondment from any public service in the Federation, such number of employees as may, in the opinion of the Commission, be required to assist it in the discharge of any of its functions under this Bill, and shall have power to pay to persons so employed such remuneration (including allowances) as the Council may, determine.
- (2) The terms and conditions of service (including terms and conditions as to remuneration, allowances, pensions, gratuities and other benefits) of the persons or consultants employed by the Commission shall be as determined by the Council from time to time.
- (3) The Commission may engage such consultants and advisers as it may require for the proper and efficient discharge of its functions (*Hon. Chinyere Emmanuel Igwe — Port Harcourt II Federal Constituency*).

Agreed to.

Clause 10: Condition of service.

The Council shall determine the conditions of service, including salaries, allowances, pensions in accordance with the Pension Reform Act, 2014 and gratuities as are appropriate for the Commission's employees (*Hon. Chinyere Emmanuel Igwe — Port Harcourt II Federal Constituency*).

Agreed to.

Clause 11: Pension.

- (1) It is hereby declared that service in the Commission is a scheduled service and shall be deemed to be pensionable under the Pension Reform Act, 2014 and, accordingly, employees of the Commission shall in respect of their service in the Commission, be entitled to pensions, gratuities and other retirement benefits as are prescribed hereunder.
- (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 or gratuity in respect of that office (*Hon. Chinyere Emmanuel Igwe — Port Harcourt II Federal Constituency*).

Agreed to.

PART IV — FINANCIAL PROVISIONS

Agreed to.

Clause 12: Fund of the Commission.

- (1) The Commission shall establish and maintain a fund which shall be applied towards the discharge of its functions under this Bill.
- (2) The Fund of the Commission shall be a charge on the Consolidated Revenue Fund of the Federation.
- (3) There shall be paid and credited to the fund established pursuant to subsection (1) of this section —
 - (a) such sums as may be provided by the Government of the Federation for the Commission;

- (b) any fees charged for services rendered by the Commission, except for lodgment and processing of complaints of alleged human rights violation, provided the Commission shall be entitled to deduct the cost of processing such services;
- (c) all other sums accruing to the Commission by way of gifts, testamentary dispositions, endowments and contributions from philanthropic persons and organizations or otherwise however (*Hon. Chinyere Emmanuel Igwe — Port Harcourt II Federal Constituency*).

Agreed to.

Clause 15: Human Rights Fund.

- (1) There is established the Human Rights Fund (in this Bill referred to as "the Fund") which shall be applied by the Commission towards —
 - (a) the conduct of research and training on human rights issues; and other projects of the Commission; and
 - (b) the facilitation of human rights activities of the Commission or in Collaboration with other human rights non-governmental organizations, Civil society organizations and other stakeholders.
- (2) There shall be paid and credited to the Fund established pursuant to subsection (1) of this section —
 - (a) such sums as may be provided by the Federal, State or Local Government for purposes of the Fund as maybe agreed with the Commission;
 - (b) such contributions from national and multi-national organisation/ institutions, from public and-private companies carrying on business in Nigeria amounting to 0.3% of their annual profit before tax if their annual profit is above one billion Naira;
 - (c) such contributions made to the Fund under subsection (2) (b) of this section shall be tax deductible (*Hon. Chinyere Emmanuel Igwe — Port Harcourt II Federal Constituency*).

Agreed to.

Clause 18: Limitation of suit against the Commission.

- (1) Subject to the provisions of this Bill, the provisions of the Public Officers Protection Act shall apply in relation to any suit instituted against any member of the Council, the Executive Secretary, or any officer or any other employee of the Commission.
- (2) No suit shall lie or be instituted in any court against the Commission, any member of the Council, the Executive Secretary or any officer or employee of the Commission for an act done in pursuance or execution of this Bill or any other law or enactment, or of any public duty or authority or in respect of any alleged neglect or default in the execution of this Bill or such law or enactment, duty or authority unless —
 - (a) it is commenced within 3-months next after the act, neglect or

default complained of; or

- (b) in the case of a continuation of damage or injury, within 6 months next after the ceasing thereof.
- (3) No suit shall be commenced against the Commission, any member of the Council, the Executive Secretary, officer or employee of the Commission except a one month written notice of intention to commence the suit is served on the Commission by the intending plaintiff or his/her agent.
- (4) The notice referred to in subsection (3) of this section shall clearly state —
- (a) the cause of action;
- (b) the particulars of claim;
- (c) the name and place of abode of the intending plaintiff; and
- (d) the relief which he claims (*Hon. Chinyere Emmanuel Igwe — Port Harcourt II Federal Constituency*).

Agreed to.

Clause 22: Recognition and enforcement of awards and recommendations.

An award or recommendation, made by the Commission shall be recognized as binding and subject to this section and this Bill shall, upon application to the court by motion on notice, be enforced by the Court (*Hon. Chinyere Emmanuel Igwe — Port Harcourt II Federal Constituency*).

Agreed to.

Clause 23: Repeal.

The National Human Rights Commission Act 1995; and the National Human Rights Commission (Amendment) Act, 2010 are hereby repealed (*Hon. Chinyere Emmanuel Igwe — Port Harcourt II Federal Constituency*).

Agreed to.

Clause 25: Interpretation.

In this Bill —

"Award or Recommendation" means and includes decision, finding, determination, resolution of the Commission under section 22 (1) of this Bill;

"Chairperson" means the Chairman of the Council appointed in accordance with the provision of section 2 (2) of this Bill who is also the Chairman of the Governing Council;

"Commission" means the National Human Rights Commission, established pursuant to section 1 of this Bill;

"Constitution" means the Constitution of the Federal Republic of Nigeria, 1999, as amended;

"Council" means the Governing Council of the Commission, established pursuant to section 2 of this Bill;

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

"Executive Secretary" refers to the official designation of the Chief Executive who is responsible for the day-to-day running of the functions and activities of the Commission;

"holding facilities" means and includes any building or place where people are kept in circumstances exposing them to human rights violation under section 6 (1) (d) of this Bill;

"Member" means of the Governing Council appointed according to section 2 (2) and (3) of this Bill;

"Oath" includes affirmation and declaration.

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

"Services rendered" means and includes trainings, publications, certified true copies of documents, research, etc. under section 12 (3) (b) of this Bill.

"Treaties/Conventions" includes but not limited to, the Universal Declaration on Human Rights; the International Convention for Economic, Social and Cultural Rights; the International Convention on the Elimination of all forms of Racial Discrimination; the Convention on the Elimination of all forms of Discrimination Against Women, the Convention on the Rights of the Child; the African Charter on Human and Peoples' Rights; and other International and Regional Instruments on human rights to which Nigeria is a party;

"Paris Principles" refers to the status and functionality of national institutions for the protection and promotion of human rights, generally, adopted by the United Nations Resolution of 1992/54 and the United Nations General Assembly Resolution 48/134 of 20 December, 1993 (*Hon. Chinyere Emmanuel Igwe — Port Harcourt II Federal Constituency*).

Agreed to.

Clause 26:

Citation.

This Bill may be cited as the National Human Rights Commission Act (Repeal and Enactment) Bill, 2023 (*Hon. Chinyere Emmanuel Igwe — Port Harcourt II 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 Conference Committee on a Bill for an Act to Repeal the National Human Rights Commission Act, Cap. N46, Laws of the Federation of Nigeria, 2004 (as Amended) and Enact the National Human Rights Commission Act, 2022 in order to further strengthen and reposition the Commission for the Effective and Efficient Performance of its Statutory Functions; and for Related Matters and adopted the Report.

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

(viii) Committee on Finance:

Motion made and Question proposed, "That the House do consider the Report Committee on Finance on a Bill for an Act to Amend the Institute of Chartered Accountants of Nigeria Act, Cap. I11, Laws of the Federation of Nigeria, 2004 to Address Emerging Trends in the Nigerian Economic Environment; and for Related Matters (HB.1178)" (Hon. Abdullahi Saidu Musa — Bida/Gbako/Kacha 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 AMEND THE INSTITUTE OF CHARTERED ACCOUNTANTS OF NIGERIA ACT, CAP. I11, LAWS OF THE FEDERATION OF NIGERIA, 2004 TO ADDRESS EMERGING TRENDS IN THE NIGERIAN ECONOMIC ENVIRONMENT; AND FOR RELATED MATTERS (HB.1178)

Consideration deferred.

Chairman to report progress.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole deferred consideration of the Report of the Committee on Finance on a Bill for an Act to Amend the Institute of Chartered Accountants of Nigeria Act, Cap. I11, Laws of the Federation of Nigeria, 2004 to Address Emerging Trends in the Nigerian Economic Environment; and for Related Matters (HB.1178).

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

(ix) Committee on Agricultural Colleges and Institutions:

Motion made and Question proposed, "That the House do consider the Report of the Committee on Agricultural Colleges and Institutions on a Bill for an Act to Establish Federal University of Agricultural Technology, Damboa, Borno State; and for Related Matters (HB. 1748)" (Hon. Abubakar Fulata Hassan — Birniwa/Guri/Kiri-Kasamma 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 FEDERAL UNIVERSITY OF AGRICULTURAL TECHNOLOGY, DAMBOA, BORNO STATE; AND FOR RELATED MATTERS (HB.1748)

PART I — ESTABLISHMENT, CONSTITUTION AND FUNCTIONS
OF THE FEDERAL UNIVERSITY OF AGRICULTURAL
TECHNOLOGY, DAMBOA, BORNO STATE

Committee's Recommendation:

Clause 1: Establishment and Objects of the Federal University of Agricultural Technology, Damboa, Borno State.

- (1) There is established the Federal University of Agricultural Technology, Damboa, Borno State (in this Bill referred to as "the University").
- (2) The University shall:
 - (a) be a body corporate with perpetual succession and a common seal; and
 - (b) may sue or be sued in its corporate name (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma Federal Constituency*).

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

Committee's Recommendation:

Clause 2: Objects of the University.

The objects of the University shall be to —

- (a) encourage the advancement of learning and to hold out to all persons without distinction of the race, creed, sex or political conviction the opportunity of acquiring tertiary education in Agricultural Technology and allied studies;
- (b) to develop and offer academic and professional programs leading to award of diplomas, first degrees, post-graduate research in higher degrees with emphasis on Agricultural and Technological research, planning, adaptive, technical, maintenance, developmental and productive skills in the engineering, scientific, and allied professional discipline with the aim of producing socially mature men and women with capability not only to understand, use and adapt existing technologies in the Agriculture, but also to improve on them and develop new ones;
- (c) to act as agents and catalysts, through post-graduate training, research and innovation for the effective and economic utilization, exploitation and conservation of the country's Agriculture resources and Technological innovativeness;
- (d) to offer to the general public particularly in the Area Agricultural Technology as a form of public service, the results of training and research and to foster the practical applications of these results;
- (e) to establish appropriate relationships with other national institutions involved in training research. Research and development of technologies in the Agriculture Sector;
- (f) to identify the problems and needs of the Agricultural and Technological sectors in Nigeria and to find solutions to them within the context of overall national development.
- (g) to provide and promote sound basic scientific training as a foundation for the

development of Agricultural Science and technology in Nigeria, taking into account indigenous cultures and the need to enhance national unity;

- (h) to encourage and promote scholarships and conduct research in various fields of learning and human endeavour;
- (i) to relate its activities to the technological, social, cultural and economic needs of the people of Nigeria; and
- (j) to undertake any other activities appropriate for an Agriculture University of the highest standard (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma Federal Constituency*).

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

Committee's Recommendation:

Clause 3: Constitution of the University and its Constituent Bodies, etc.

- (1) The University shall consist of:
 - (a) a Chancellor;
 - (b) a Pro-Chancellor and a Council;
 - (c) a Vice Chancellor and a Senate;
 - (d) a Deputy Vice-Chancellor;
 - (e) a body to be called Congregation;
 - (f) a body to be called Convocation;
 - (g) the Campuses and Colleges of the University;
 - (h) the Faculties, Schools, Institutes and other teaching and research units of the University;
 - (i) the persons holding the offices constituted by the First Schedule of this Bill other than those mentioned in paragraphs (a) to (c) of this subsection;
 - (j) all graduates and undergraduates; 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 mentioned therein.
- (3) Provision shall be made by Statute with respect to the constitution of the following bodies, namely:
 - (a) the Council;
 - (b) the Senate;
 - (c) the Congregation; and

- (d) the Convocation (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma Federal Constituency*).

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

Committee's Recommendation:

Clause 4: Powers of the University.

- (1) For the carrying out of its objects as specified in Section 2 of this Bill, the University shall have power to:
- (a) establish such Campuses, Colleges, Faculties, Institutes, Schools, Extra-mural and consultancy departments and other teaching and research units within the University as may from time to time seem necessary or desirable, subject to the approval of the National Universities Commission;
 - (b) institute professorships, readerships and associate professorships, lectureships and other posts and offices and to make appointments thereto;
 - (c) institute and award fellowships, scholarships, exhibitions, bursaries, medals, prizes and other titles, distinctions, awards and forms of assistance;
 - (d) provide for the residence, discipline and welfare of members of the University;
 - (e) hold examinations and award 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) award honorary degrees, fellowships or academic titles;
 - (g) demand and receive from any student or any other person attending the University for the purpose of instruction such fees as the University may from time to time determine, subject to the overall directives of the appropriate authority;
 - (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) 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) enter into contracts, establish trusts, act as trustee, solely or jointly with any other person, and employ and act through agents;
 - (k) erect, provide, equip and maintain libraries, laboratories, lecture halls, halls of residence, refectories, sports grounds, playing fields and other buildings or things necessary, suitable or convenient for any of the objects of the University;
 - (l) hold public lectures and undertake printing, publishing, book selling

and consultancy services.

- (m) subject to any limitations or conditions imposed by Statute, to invest any moneys appertaining to the University which its law endorse, whether for general or special purposes, and such other moneys as may not be immediately required for current expenditure, in any investments or securities or in the purchase or improvement of land, with power from time to time to vary any such investments and to deposit any moneys for the time being un-invested with any bank on deposit or current account;
 - (n) borrow, whether on interest or not, and if need be, upon the security of any or all of the property movable or immovable of the University, such moneys as the Council may from time to time in its discretion find necessary or expedient to borrow or to guarantee any loan, advances or credit facilities;
 - (o) make gifts for any charitable purpose;
 - (p) do anything which it is authorized or required by this Bill or any other Statute to do; and
 - (q) do all such acts or things, whether or not incidental to the foregoing powers, as may advance the objects of the University.
- (2) Subject to the provisions of this Bill and of the Statutes made thereunder and without prejudice to Section 9 (2) of this Bill, the powers conferred to 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 this Bill (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma Federal Constituency*).

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

Committee's Recommendation:

Clause 5: Functions of the Chancellor and Pro-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 convocation held for conferring degrees
- (2) The Pro-Chancellor shall, in relation to the University, take precedence before all other members of the University except the Chancellor, and except for the Vice Chancellor when acting as Chairman of Congregation or Convocation, and the Pro-Chancellor shall when present, be the Chairman at all meetings of the Council (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma Federal Constituency*).

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

Committee's Recommendation:

Clause 6: Establishment and Composition of Council.

- (1) There shall be a Council for the University consisting of:
 - (a) the Pro-Chancellor;
 - (b) the Vice-Chancellor;

- (c) the Deputy Vice-Chancellor;
 - (d) one person from the Ministry responsible for Education;
 - (e) four persons representing a variety of interest and broadly representative of the whole Federation;
 - (f) four persons appointed by the Senate from among its members;
 - (g) two persons appointed by the Congregation from among its members; and
 - (h) one person appointed by Convocation 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. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma 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 Purpose.

- (1) Subject to the provisions of this Bill relating to the Visitor, the Council shall be the Governing Body of the University and shall be charged with the general control and superintendence of the policy, finances 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 Council as the Council may from time to time delegate 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 auditors appointed by the Council from the list and in accordance with guidelines supplied by the Auditor-General of the Federation, and that an annual report is published by the University together with certified copies of the said accounts as audited.
- (5) Subject to this Bill and the Statutes, the Council and the Finance and General Purposes Committee may each make rules for the purpose of exercising any of their respective functions or of 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 where any rule so made by the Committee conflict with any directions given by the Council (whether before or after the coming into force of the rules in question), the direction of the Council shall prevail.
- (7) There shall be paid to the members of the Council, the Finance and General Purposes Committee and of any other committee set up by the Council, allowances in respect of traveling and other reasonable expenses, at such

rates as may from time to time be fixed by the extent of 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 four times every year.
- (9) If required 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 if after 28 days of the receipt or delivering to him of such request, the chairman fails or neglects to call a meeting, the Registrar shall within 14 days thereof, cause a meeting of the Council to be convened for that purpose. The request shall specify the business to be considered at the meeting and no business not so specified shall be transacted at that meeting (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma Federal Constituency*).

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

Committee's Recommendation:

Clause 8: Functions of the Senate.

- (1) Subject to section 5 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 teaching in the University, admission to Postgraduate courses and other admission of students, the discipline of students and to promote research in the University.
- (2) Without prejudice to the generality of the provisions of subsection (1) of this section, it shall in particular be the function of the Senate to make provision for the:
 - (a) establishment, organization and control of campuses, colleges, faculties, departments, schools, institutes and other teaching and research units of the University, and the allocation of responsibility for different branches of learning;
 - (b) organization and control of courses of study in the University and of the examinations held in conjunction with those courses, including the appointment of examiners, both internal and external;
 - (c) award of degrees, and such other qualifications as may be prescribed, in connection with examinations conducted by the University;
 - (d) making of recommendations to the Council with respect to the award to any person of an honorary fellowship or honorary degree or the title of professor emeritus;
 - (e) establishment, organization and control of halls of residence and similar institutions in the University;
 - (f) supervision of the welfare and security of students in the University and the regulation of their conduct;
 - (g) granting of fellowships, scholarships, prizes and similar awards in

so far as the awards are within the control of the University; and

- (h) determination of what description of dress shall be academic dress for the purposes of the University and regulating the use of academic dress.
- (3) The Senate shall not establish any new campus, college, faculty, department, school, institute or other teaching, consultancy and research units of the university; or any hall of residence or similar institution at the University without the approval of the Council.
- (4) (a) Subject to this Bill and the Statutes, the Senate may make regulations for the purpose of exercising any function conferred on it either by the provisions of the section or for the purpose of providing for any matter for which provision by relation is authorized or required by this Bill or any Statute.
- (b) The Senate shall, by relation, provide that at least one of the persons appointed as examiners at each final or professional examination held in conjunction with any course of study, in the University is not a teacher at the University but is a teacher at the branch of learning to which the course relates in some other university of high repute.
- (5) 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 on him if after due enquiry he is shown to have been guilty of any dishonourable or scandalous conduct in gaining admission into the University or obtaining that award (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma 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, subject to section 5 of this Bill, the Pro-Chancellor and any other person for the time being acting as Chairman of the Council.
- (2) Subject to the provisions of this Bill, the Vice-Chancellor shall have 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 to the exclusion of any other person or authority be the Chief Executive and Academic Officer of the University and *ex-Officio* Chairman of the Senate (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma Federal Constituency*).

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

PART II — TRANSFER OF PROPERTY

Committee's Recommendation:

Clause 10: Transfer of Property to the University.

- (1) All property held by or on behalf of the Provisional Council shall, by virtue of this subsection and without further assurance, vest in the University and

be held by it for the purpose of the University.

- (2) The provisions of the Second Schedule to this Bill shall have effect with respect to the transfer of property by this section and to matters arising there from and with respect to other matters mentioned in that Schedule (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma Federal Constituency*).

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

PART III — STATUTES OF THE UNIVERSITY

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 purposes:
- (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 and regulating any other matter connected with the University or any of its authorities;
 - (c) regulating the admission of students where it is done by the University, and their discipline and welfare;
 - (d) determining whether any particular matter is to be treated as academic or non-academic matter for the purposes of this Bill and of any Statute, regulation or other instrument made thereunder and;
 - (e) making provision for other matters for which provision by Statute is authorized or required by this Bill.
- (2) Subject to section 25 (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 Third Schedule to this Bill shall be deemed to have come into force on the commencement of this Bill and shall be deemed to have been made under this section by the University.
- (4) The power to make Statute 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 Third Schedule to this Bill or any subsequent Statute (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma Federal Constituency*).

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

Committee's Recommendation:

Clause 12: Mode of exercising the power to make Statutes.

- (1) The power of the University to make Statutes shall be exercised in accordance with the provisions of this section.
- (2) A proposed Statute shall not have the force of law until it has been approved

at a meeting of the —

- (a) Senate, by the votes of not less than two thirds of the members present and voting; and
 - (b) 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 Council, and may be approved as required by subsection (2) of this section by both bodies in no particular order.
 - (4) A Statute which:
 - (a) makes provision for or alters the composition or constitution of the Council, the Senate or any other authority of the University; or
 - (b) provides for the establishment of a new campus or college or for the amendment or revocation of any Statute whereby a campus or college is established; Shall not come into operation unless it has been approved by the Visitor.
 - (5) For the purpose of section 2 (2) of the Interpretation Act, a Statute shall be treated as being made on the date on which it is approved by the Council and the Senate in accordance with subsection (3) of this section or in the case of a Statute falling within subsection (4) of this section, on the date on which it is approved by the President (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma Federal Constituency*).

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

Committee's Recommendation:

Clause 13: Proof of Statute.

A Statute may be proved in any Court by the production of a copy thereof bearing or having affixed to it a certificate signed by the Vice-Chancellor or the Registrar to the effect that the copy is a true copy of a Statute of that University (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma Federal Constituency*).

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

Committee's Recommendation:

Clause 14: Power to decide the meaning of Statute.

- (1) In the event of any doubt or dispute arising at any time as to the meaning of any provision of a Statute, the matter may be referred to the Visitor, who shall take such advice and make such decision thereon as he deems fit.
- (2) The decision of the Visitor on any matter referred to him under this section shall be binding upon the authorities, staff and students of that University and where any question as to the meaning of any provision of a statute has been decided by the Visitor under this section, no question as to the meaning of that provision shall be entertained by any other authority in Nigeria:

Provided that nothing in this subsection shall affect the 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.

- (3) The forgoing provisions of this section shall apply in relation to any doubt or dispute as to whether any matter is, for the purposes of this Bill, academic or a non-academic matter as they apply in relation to any such doubt or dispute as mentioned in subsection (1) of this section, and accordingly the reference in subsection (2) of this section to any question as to the meaning of any provision of a statute shall include references to any question as to whether any matter is for the said purposes an academic or non-academic matter (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma Federal Constituency*).

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

PART IV — SUPERVISION AND DISCIPLINE

Committee's Recommendation:

Clause 15: 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 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:
- (a) make available to the Visitor, and to any other persons conducting a visitation in pursuance of this section, such facilities and assistance as he or they may reasonably require for the purpose of the visitation; and
- (b) give effect to any instructions consistent with the provision of this Bill which may be given by the Visitor in consequence of the visitation (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma Federal Constituency*).

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

Committee's Recommendation:

Clause 16: Removal of certain Members of the Council.

- (1) If it appears to the Council that a member (other than the Pro-Chancellor or the Vice-Chancellor) should be removed from office on grounds of misconduct or inability to perform the functions of his office, the Council shall make a recommendation to that effect through the Minister of the Federal Executive Council and if the Federal Executive Council after making such enquiries (if any) as may be considered necessary, approves the recommendation it may direct the removal of the member from office.
- (2) It shall be the duty of the Minister to use his best endeavours 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. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma Federal Constituency*).

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

Committee's Recommendation:

Clause 17: 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 office or on grounds of misconduct or inability to perform the functions of his office Council shall:
 - (a) give notice of those reasons to the person in question;
 - (b) afford such person an opportunity of making representation in person on the matter to the Council; and
 - (c) take a decision to determine or not to terminate the appointment.
- (2) If the affected staff or any three members of the Council so request within a period of one month from the date of receipt of the notice of the Council's decision, the Council shall make arrangements for:
 - (a) a Joint Committee of the Council and the Senate to review the matter and to report on it to the Council;
 - (b) the person in question to be afforded an opportunity to appear before and be heard by an investigating Committee with respect to the matter; and
 - (c) if the Council after considering the report of the Investigating Committee, is satisfied that the person in question should be removed, the Council may so remove him by an instrument in writing signed on the directions of the Council.
- (3) The Vice-Chancellor may, in a case of gross misconduct by a member of staff which in the opinion of the Vice-Chancellor is prejudicial to the interest of the University, suspend such member for a specified period of time and any such suspension shall immediately be reported to the Council.
- (4) Any member of staff may be suspended from duty or his appointment may be terminated by Council for a good cause and for the purposes of this subsection "good cause" means:
 - (a) conviction for any offence which the Council considers to be such as to render the person concerned unfit for the discharge of the functions of his office;
 - (b) any physical or mental incapacity which the Council, after obtaining medical advice, considers to be such as to render the person concerned unfit to continue to hold office;
 - (c) conduct of a scandalous or disgraceful nature which the Council considers to be such as to render the person concerned unfit to continue to hold 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 pursuant to subsection (3) of this section shall be on half pay and the Council shall before the expiration of a period of three months from the date of such suspension consider the case against that person and come to a decision as to 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 with effect from the date of suspension;
 - (c) terminate the appointment of the person concerned 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 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.
- (6) Where the Council, pursuant to this section, decides to continue a person's suspension or decides to take further disciplinary action against the person, the Council shall, before the expiration of three months from such decision come to a final determination in respect of the case concerning such a person.
- (7) It shall be the duty of the person by whom an instrument of removal is signed in pursuance of subsection (1) above to use his best endeavors to cause a copy of the instrument to be served as soon as reasonably practicable on the person to whom it relates.
- (8) Nothing in the foregoing provisions of this section shall prevent the Council from making regulations for the discipline of staff and workers of the University as may be appropriate (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma Federal Constituency*).

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

Committee's Recommendation:

Clause 18: Removal of Examiners.

- (1) If, on the recommendation of the Vice-Chancellor, it appears to the Senate that a person appointed as an examiner for any examination of the University ought to be removed from his office or appointment, then, the Senate may, after affording the examiner an opportunity of making representations in person on the matter, direct the Vice-Chancellor to remove the examiner by an instrument in writing signed by the Registrar.
- (2) Subject to the provisions of any regulation made pursuant to section 8(4) of this Bill, the Vice-Chancellor may, on the recommendation of Senate, appoint an appropriate person as examiner in the place of the examiner removed.
- (3) It shall be the duty of the Registrar on signing 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. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma Federal Constituency*).

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

Committee's Recommendation:

Clause 19: Discipline of Students.

- (1) Subject to the provisions of this section, where after due process it appears to the Vice-Chancellor that any student is guilty of misconduct, the Vice-Chancellor may without prejudice to any other disciplinary powers conferred on him by Statute or regulations, direct that the:
 - (a) student shall not, during such period as may be specified in the direction, participate in such activities of the University or make use of such facilities of the University as may be so specified;
 - (b) 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) student be rusticated for such period as may be specified in the direction.
- (2) Where a direction is given under the subsection (1) paragraphs (a) to (d) of this section in respect of any student, the student may, within the prescribed period and in the prescribed manner, appeal against the direction to the Senate.
- (3) Where an appeal is brought pursuant to subsection (2) of this section, the Senate shall, after causing such inquiry to be made in the matter as the Senate considers just, either confirm or set aside the direction or modify it in such manner as the Senate thinks fit.
- (4) The fact that an appeal from a direction is brought pursuant to subsection (3) of this section shall not affect the operation of the direction while the appeal is pending.
- (5) 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.
- (6) Nothing in this section shall be construed as preventing the restriction or termination of a student's activities at the University for conduct which in the opinion of Senate is prejudicial to the interest of the University or to its corporate objective or image.
- (7) A direction under subsection (1) of this section may be combined with a direction under subsection (1) (b) of this section (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma Federal Constituency*).

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

PART V — MISCELLANEOUS AND GENERAL PROVISIONS

Committee's Recommendation:

Clause 20: Exclusion or 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, family origin, religious or political persuasion, as a condition for

becoming or continuing to be a:

- (a) student in the University;
 - (b) holder of any degree, appointment or employment in the University;
or
 - (c) member of anybody established by virtue of this Bill.
- (2) No person shall be subjected to any disadvantage or accorded any advantage in relation to the University by reference to any of the matters referred to in subsection (1) of this section (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma Federal Constituency*).

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

Committee's Recommendation:

Clause 21: Transfer of land to the University.

- (1) For the purpose of the Land Use Act (which provides for the compulsory acquisition of land for public purposes) any purpose of the University shall be the same as that of the Federation.
- (2) Where an estate or interest in land is acquired by the Government pursuant to this section, the Government may, by a certificate under the hand and seal of the person so authorized or any other person authorized in that behalf transfer it to the University (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma 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 Bill) except with the prior written consent, either general or special, of the Visitor:

Provided that such consent shall not be required in the case of any lease or tenancy at a rack-rent for a term not exceeding twenty-one years of any lease or tenancy to a member of the University for residential purpose (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma 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 Regulation, the quorum and procedure of any body of persons established by this Bill shall be such as may be determined by that body (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma 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 authorize a Committee established by it to:

- (a) exercise on its behalf, such of its functions as it may determine; and
 - (b) co-opt members and direct whether or not co-opted members 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, for the purpose of considering any matter within the competence of those bodies or any of them and either 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 Regulations, the quorum and procedure of a Committee established or meeting held pursuant to 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) 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.
- (5) Nothing in the foregoing provisions of this section shall be construed as enabling:
- (a) statutes to be made otherwise than in accordance with section 11 of this Bill; or
 - (b) the Senate to empower any other body to make Regulations or to award degrees or other qualifications (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma Federal Constituency*).

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

Committee's Recommendation:

Clause 25: 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:
- (a) in the case of any other document, be authenticated by any member of Council; the Vice-Chancellor and the Registrar 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 deemed 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 without seal.

- (4) The validity of the proceedings of anybody established pursuant to this Bill shall not be affected by any vacancy in the membership of the body or by any defect in the appointment of a member of the body or by reason that any person not entitled to do so took part in the proceedings.
- (5) Any member of any such body who has a personal interest in any matter proposed to be considered by that body shall disclose his interest to the body and shall not 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 or Regulations made pursuant to this Bill.
- (7) The power conferred by this Bill on anybody to make Statute or Regulations shall include power to revoke or vary any:
- (a) Statute (including the Statute contained in the Third Schedule to this Bill; or
- (b) regulation by a subsequent Statute or Regulation as the case may be:
- Provided that the Statutes and Regulations may have different provisions in relation to different circumstances.
- (8) No stamp or other duty shall be payable in respect of any transfer of property to the University by virtue of sections 10, 21 and the Second Schedule to this Bill.
- (9) Any notice or other instrument authorized to be served by virtue of this Bill may, without prejudice to any other mode of service, be served by post (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma Federal Constituency*).

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

Committee's Recommendation:

Clause 26: Interpretation.

- (1) In this Bill —

"appropriate authority" means any person, body or authority by law to act in a specific or general capacity in relation to a subject matter (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma Federal Constituency*).

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

"campus" means any campus which may be established by the University (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma Federal Constituency*).

Question that the meaning of the word "campus" 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. Abubakar Hassan Fulata*

— Birniwa/Guri/Kiri-Kasamma Federal Constituency).

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

"gross misconduct" means any act of misconduct and improper behaviour that may be designated as gross misconduct by any Statute or Regulation made, pursuant to this Bill (Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma Federal Constituency).

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

"Minister" means the Minister charged with responsibility for education (Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma Federal Constituency).

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

"Misconduct" means any conduct which is prejudicial to the good name of the university and or discipline and the proper administration of the business of the University (Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma Federal Constituency).

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

"Notice" means notice in writing (Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma 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. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma 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 Regulation made under this Bill (Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma 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. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma 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. Abubakar

Hassan Fulata — Birniwa/Guri/Kiri-Kasamma Federal Constituency).

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

"The provisional Council" means the provisional Council appointed for the University by the President with effect from September 2016 (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma Federal Constituency*).

Question that the meaning of the words "The provisional Council" be as defined in the interpretation to this Bill — Agreed to.

"Regulations" means regulations made by the Senate or Council (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma 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 by the Act (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma Federal Constituency*).

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

"Statute" means a Statute made by the University under section 11 of this Bill and in accordance with the provisions of section 12 of this Bill (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma Federal Constituency*).

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

"The Statutes" means all such Statutes as are in force from time to time (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma Federal Constituency*).

Question that the meaning of the words "The Statutes" 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. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma Federal Constituency*).

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

"President" means the President of the Federal Republic of Nigeria (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma Federal Constituency*).

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

"Constitution" means the Constitution of the Federal Republic of Nigeria (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma Federal Constituency*).

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

"undergraduate" means a person in *statu pupilari* in the University, other than —

- (a) a graduate; and
- (b) a person of such description as may be prescribed for the purposes of this definition (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma Federal Constituency*).

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

"The University" means the Federal University of Agricultural Technology, Damboa, Borno State incorporated and constituted by this Bill; and (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma Federal Constituency*).

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

"the Act" means the Federal University of Agricultural Technology, Damboa, Borno State (Establishment) Act (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma Federal Constituency*).

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

- (2) Where in any provision of this Bill, it is laid down that proposals are to be submitted or a recommendation is to be made by one authority to another through one or more intermediate authorities, it shall be the duty of every such intermediate authority to forward any proposals or recommendations received by it pursuant to that provision to the appropriate authority; but any such intermediate authority may, if it thinks fit, forward therewith its own comments thereon (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma Federal Constituency*).

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

Committee's Recommendation:

Clause 27: Citation.

This Bill may be cited as the Federal University of Agricultural Technology, Damboa, Borno State (Establishment, etc.) Bill, 2023 (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma Federal Constituency*).

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

SCHEDULES

FIRST SCHEDULE

Section 3 (2)

PRINCIPAL OFFICERS OF THE UNIVERSITY

The Chancellor

1. The Chancellor shall be appointed by and hold office at the pleasure of the President.

The Pro-Chancellor

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

The Vice-Chancellor

3. The procedure for the appointment and removal of the Vice - Chancellor shall be in accordance with the provision of the University (Miscellaneous Provisions) Act 1993 as amended.

Deputy Vice-Chancellor

4. (1) There shall be for the University, two Deputy Vice-Chancellors or such number of Deputy Vice Chancellors as the Council may, from time to time, deem necessary for the proper administration of the University.
- (2) The procedure for the appointment and removal of the Deputy Vice Chancellor shall be in accordance with the provisions of the Universities (Miscellaneous Provisions) Act 1993 as amended.
- (3) A Deputy Vice-Chancellor shall —
 - (a) assist the Vice-Chancellor in the performance of his functions;
 - (b) act in place of the Vice-Chancellor when the post of the Vice-Chancellor is vacant or if the Vice- Chancellor is, for any reason, absent or unable to perform his functions as Vice-Chancellor; and
 - (c) perform such other functions as the Vice-Chancellor or the Council may, from time to time, assign to him.

Office of the Registrar, Bursar and University Librarian

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 administration of the University except as regards matters for which the Bursar is responsible in accordance with paragraph 6 (2) below.
- (2) The person holding the office of Registrar shall be virtue of that office by Secretary to the Council, the Senate, Congregation and Convocation.
- (3) The Registrar shall hold office for such period and on such terms and conditions as to emoluments as may be specified in his letter of appointment.

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.
- (2) The Bursar shall be the chief Financial Officer of the University and shall 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 all library services in the University and its campuses, colleges, faculties, schools, departments and institutions and other teaching or research units.
- (4) The Bursar and the University Librarian:
- (a) shall each hold office for such period and on such terms and conditions as to emoluments as may be specified in his letter of appointment.

Other Officers of the University

7. There shall be for the University, a Director of Works, who shall be responsible to the Vice Chancellor for the administration of the Works Department. He shall be responsible for all works, services and maintenance of University Facilities.
8. There shall be for the University, a Director of Health Services, who shall be responsible to the Vice Chancellor for the administration of the Health Centre. He shall be the Chief Medical Officer of the University and shall coordinate all matters relating to the health of all staff and students.

Resignation and re-appointment

9. (1) Any officer mentioned in the foregoing provisions of this schedule may resign his office in:
- (a) the case of the Chancellor or Pro-Chancellor, by notice to the Visitor; and
 - (b) the case of the Vice-Chancellor by notice to the Council which shall immediately notify the Minister.
- (2) 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. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma 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 TO PROPERTY, FUNCTIONS, ETC.

Transfer of Property to the University

1. Without prejudice to the generality of Section 10 (1) of this Bill —
 - (a) the reference in the 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 subparagraph 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.

Registration of Transfers

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 of any other matter) apply, with the necessary modifications to the transfer of 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 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 set up under the Third Schedule to this Bill must have been duly constituted.
- (3) The first meetings 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 of this Bill must 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 established 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 faculty boards, until new appointment 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 be employed as the University on such designation, status and functions which correspond as nearly as possible to those which pertained to him as a member of that staff or as such as employee.
6. Questions as to the scope of the responsibilities of the aforesaid officers shall be determined by the Vice-Chancellor (*Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma Federal Constituency*).

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

THIRD SCHEDULE

Section 11 (3)

FEDERAL UNIVERSITY OF AGRICULTURAL TECHNOLOGY, DAMBOA, BORNO STATE STATUTE NO.1

Articles:

1. The council
2. Finance and General-Purpose Committee
3. The Senate
4. The Congregation.
5. Convocation
6. Organization of Faculties and the Branches thereof;
7. Faculty board
8. The Dean of the Faculty.
9. Selection of Certain Principal and other key officers
10. Creation of Academic Post.
11. Appointment of Academic Staff
12. Appointment of Administrative and Technical Staff.

The Council

1. (1) Any member of Council holding office pursuant to section 6 (e), (f), (g) or (h) of this Bill may, by notice to the Council resign his office.
- (2) A member of Council holding office pursuant to section 6 (e), (f), (g) or (h) of this Bill shall, unless he previously vacates it, vacate that office on the expiration of a period of four years starting from 1st August in the year in which he was appointed.
- (3) Where a member of Council holding office pursuant to section 6 (e), (f), (g) or (h) of this Bill vacates office before the expiration of his tenure, the body that appointed him may appoint a successor to hold office for the residue of his unexpired term.
- (4) A person ceasing to hold office as a member of Council otherwise than by removal for misconduct shall be eligible for reappointment for only one further period of four years.
- (5) The quorum of the Council shall be five, at least one of whom shall be a member pursuant to Section 6 (d) and (e) of this Bill.

- (6) If the Pro-Chancellor is not present at a meeting of the Council, the members present at the meeting may appoint one of them to be the Chairman at that meeting, and subject to section 5 of this Bill and the provision of this paragraph the Council may regulate its own procedure.
- (7) Where the Council desires to obtain advice with respect to any particular matter, it may co-opt not more than two persons for the 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.
- (8) The Council constituted by this Bill shall have a four-year tenure from the date of its inauguration, provided that where a Council is found to be incompetent and corrupt, it shall be dissolved by the visitor and a new Council shall be immediately constituted for the effective functioning of the University.
- (9) The powers of the Council shall be exercised in accordance with the laws and Statutes of the University, and to that extent, establishment circulars that are inconsistent with the laws and Statutes of the University shall not apply to the University.

The Finance and General-Purpose Committee

2. (1) The Finance and General-Purpose 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 a Deputy Vice-Chancellor;
 - (c) six other members of the Council appointed by the Council two of whom shall be selected from among the four members of the council appointed by the Senate and one of whom shall be selected from among members of the Council appointed by the congregation; and
 - (d) the Permanent Secretary, 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 six.
- (3) Subject to any directions given by the Council, the committee may regulate its own procedure.

The Senate

3. (1) There shall be a Senate for the University consisting of:
 - (a) the Vice-Chancellor;
 - (b) the Deputy Vice-Chancellor;
 - (c) all Professors of the University;
 - (d) all Deans, Provosts and Directors of Academic units of the University;
 - (e) all Heads of Academic Departments, Units and Research Institutes of the University;

- (f) the University Librarian; and
 - (g) academic members of the congregation who are not Professors as specified in the laws of the University.
- (2) The Vice-Chancellor shall be the chairman at all meetings of the Senate when he is present and in his absence, one of the Deputy Vice-Chancellors appointed by him 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) above the Senate may regulate its own procedure.
 - (4) If so requested in writing by any ten members of the Senate, the Vice-Chancellor, or in his absence a person 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.

Congregation

4. (1) Congregation shall consist of:
 - (a) the Vice-Chancellor and the Deputy Vice -Chancellor
 - (b) the full-time members of the academic staff;
 - (c) the Registrar;
 - (d) the Bursar; and
 - (e) every member of the administrative and technical staff who holds a degree of any University recognized for the purpose of this Statute by the Vice-Chancellor, not being an honorary degree.
- (2) Subject to section 5 of this Bill, the Vice-Chancellor shall be the Chairman at all meetings of congregation when he is present, and in his absence one of the Deputy Vice-Chancellors appointed by him shall be the chairman at the meeting.
- (3) The quorum of congregation shall be one-third (or the nearest whole number to one third) of the total number of members of congregation or fifty, whichever is less.
- (4) A certificate signed by the Vice-Chancellor specifying:
 - (a) the total number of members of Congregation for the purposes of any particular meeting or meetings of Congregation; or
 - (b) the names of the persons who are members of Congregation during a particular period;
 shall be conclusive evidence of that number or as the case may be of the names of those persons.
- (5) Subject to the provisions of this schedule, congregation may regulate its own procedure.
- (6) Congregation shall be entitled to express by resolution or otherwise its opinion on

all matters affecting the interest and welfare of the University and shall have such other functions in addition to the function of electing a member of the Council, as may be provided by Statute or Regulations.

Convocation

5. (1) Convocation shall consist of:
- (a) the Officers of the University mentioned in Schedule 1 to this Bill;
 - (b) all teachers within the meaning of this Bill; and
 - (c) all other persons whose names are registered in accordance with paragraph 2 below
- (2) A person shall be entitled to have his name registered as a member of convocation if he:
- (a) 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) applies to the registration of his name in the prescribed manner and pays the prescribed fee.
- (3) Regulations shall provide for the establishment and maintenance of a register for the purpose of this paragraph and, subject to paragraph (3) below, 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 paragraph are entered and retained on the register.
- (5) A person who reasonable claims that he is entitled to have his name on the register shall be entitled to 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, and that any person not named therein is not, a member of convocation; but for the purpose of ascertaining whether a particular person was such a member on a particular date, any entries in and deletions from the register made on or after that date shall be disregarded.
- (7) The quorum of convocation shall be fifty or one-third (or the whole number nearest to one-third) of the total number of members of convocation whichever is less.
- (8) Subject to section 5 of this 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.

6. Each Faculty shall be divided into such number of branches as may be prescribed.
7. (1) There shall be established in respect of each Faculty, a Faculty Board, which subject to the provisions of this Bill, 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 faculty;
 - (b) deal with other matters assigned to it by Statute, by the Vice-Chancellor or by the Senate; and
 - (c) advise the Vice-Chancellor or Senate on any matter referred to it by the Vice Chancellor or Senate.
- (2) Each Faculty Board shall consist of:
 - (a) the Vice-Chancellor;
 - (b) the persons severally in charge of the branches of the faculty;
 - (c) such number of the teachers assigned to the faculty and having the prescribed qualifications as the Board may determine; and
 - (d) such person whether or not members of the University as the Board may determine with the general or special approval of Senate.
- (3) The quorum of the Board shall be eight members or one-quarter of the members of the Board for the time being whichever is greater.
- (4) Subject to the provisions of this statute and to any provision made by regulations in that behalf, the Board may regulate its own procedure.

The Dean of the Faculty

8. (1) The Dean of a faculty shall be a professor elected by the Faculty Board and such Dean shall hold office for a term of two years. He will be eligible for re-election for another term of two years after which he may not be elected again until two years have elapsed.
- (2) If there is no professor in a faculty, the Vice-Chancellor shall appoint an Acting Dean who shall not be below the rank of Senior Lecturer for the faculty, who will act for a period of one year in the first instance, renewable for another one year only.
- (3) In the absence of the Vice-Chancellor, the Dean shall be the chairman at all meetings of the Faculty Board when he is present and he shall be a member of all committees and other boards appointed by the faculty.
- (4) The Dean of a faculty shall exercise general superintendence over the academic and administrative affairs of the faculty and it shall be the function of the Dean to present to the convocation for the conferment of Degrees, persons who have qualified for the Degrees of the University at examinations held in the branches of learning for which responsibility is allocated to that faculty.

- (5) There shall be a committee to be known as the Committee of Deans which shall consist of all the Deans of the several faculties and that committees shall advise the Vice-Chancellor on all academic matters and on particular matters referred to the Committee by the Senate.
- (6) The Dean of a faculty may be removed from the office for a good cause by the Faculty 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 the Dean, an Acting Dean may be appointed by the Vice-Chancellor provided that at the next faculty board meeting an election shall be held for a new Dean.
- (7) In this article, "good cause" has the same meaning as in section 17 (4) of this Bill.

Selection of Certain Principal and other key Officers

9. (1) When a vacancy occurs in the Office of the Registrar, Bursar, the University Librarian, Director of Health Services, a Selection Board shall be constituted by the Council and shall consist of:
 - (i) the Pro-Chancellor;
 - (ii) the Vice-Chancellor;
 - (iii) two members appointed by the Council, not being members of Senate; and
 - (iv) two members appointed by the Senate not being members of Council.
- (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 that office.
- (3) A person appointed to the office of Director of Works or Director of Health Services shall hold office for such period and on such terms and conditions as may be specified in his letter of appointment.

Creation of Academic Post

10. Recommendation for the creation of posts other than those mentioned in paragraph 9 of this Schedule shall be made by the Senate to the Council through the Finance and General Purpose Committee.

Appointment of Academic Staff

11. Subject to this Bill and the Statutes derived from it, the filling of vacancies in academic posts (including newly created ones) shall be as prescribed from time to time by Statutes.

Appointment of Administrative and Technical Staff

12. (1) The administrative and technical staff of the University, other than those mentioned in paragraph 9 of this schedule shall be appointed by the Council on its behalf by the Vice-Chancellor or the Registrar in accordance with any delegation of powers made by the Council in that behalf.
- (2) In the case of administrative or technical staff that has close and important contacts with the academic staff, there shall be senate participation in the process of selection

(Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma Federal Constituency).

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

Explanatory Memorandum:

This Bill seeks to establish the Federal University of Agricultural Technology, Damboa, Borno State to make comprehensive provisions for its due Management and Administration (Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma Federal Constituency).

Agreed to.

Long Title:

A Bill for an Act to Establish Federal University of Agricultural Technology, Damboa, Borno State; and for Related Matters (HB. 1748) (Hon. Abubakar Hassan Fulata — Birniwa/Guri/Kiri-Kasamma 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 Agricultural Colleges and Institutions on a Bill for an Act to Establish Federal University of Agricultural Technology, Damboa, Borno State; and for Related Matters (HB. 1748) 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.

(x) Committee on Commerce:

Motion made and Question proposed, "That the House do resume consideration of the Report of the Committee on Commerce on a Bill for an Act to Amend the Financial Reporting Council of Nigeria Act, 2011 to, among other things, streamline the Membership of the Governing Board, strengthen the Council to discharge effective Regulatory responsibilities on Financial Reporting and Corporate Governance in Nigeria; and for Related Matters (HB. 1817)" (Hon. Fakeye Julius Olufemi — Boluwaduro/Ifedayo/Ila 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 AMEND THE FINANCIAL REPORTING COUNCIL OF NIGERIA ACT, 2011 TO AMONG OTHER THINGS STREAMLINE THE MEMBERSHIP OF THE GOVERNING BOARD TO STRENGTHEN THE COUNCIL TO DISCHARGE EFFECTIVE REGULATORY RESPONSIBILITIES ON FINANCIAL REPORTING AND CORPORATE GOVERNANCE IN NIGERIA; AND FOR RELATED MATTERS

Committee's Recommendation:

Clause 3: Amendment of Section 8 of the Principal Act.
Section 8 of the Principal Act is amended —

"(1) The Council shall:

- (a) in subsection (1) (d), by substituting for the word, "Board", the word, "board";
 - (b) review, promote and enforce compliance with the accounting and financial reporting standards adopted by the Council;
 - (c) receive notices of non-compliance with approved standards from preparers, users, other third parties or auditors of financial statements;
 - (d) receive copies of annual reports and financial statements of public interest entities within 60 days of the approval of the board;
 - (e) advise the Federal Government on matters relating to accounting and financial reporting standards;
 - (f) maintain a register of professional accountants and other professionals engaged in the financial reporting process and corporate governance;
- (b) by substituting for paragraphs (g), (i) and (r), new paragraphs "(g), (i) and (r)" —
- (g) maintain a national repository for electronic submission of General Purpose Financial Statements by public interest entities;
 - (h) monitor compliance with the reporting requirements specified in the adopted code of corporate governance;
 - (i) promote compliance with the adopted standards issued by the International Federation of Accountants (IFAC), International Public Sector Accounting Standards Board (IPSASB) or any other body that may be designated as such and any other setting body relating to the mandate of the Council;
 - (j) monitor and promote education, research and training in the fields of accounting, auditing, financial reporting and corporate governance;
 - (k) conduct practice reviews of registered professionals;
 - (l) review financial statements and reports of public interest entities;
 - (m) enforce compliance with the Bill and the rules of the Council on registered professionals and the affected public interest entities;
 - (n) establish such systems, schemes or engage in any relevant activity, either alone or in conjunction with any other organization or agency, whether local or international, for the discharge of its functions;

- (o) receive copies of all qualified reports together with detailed explanations for such qualifications from auditors of the financial statements within a period of 30 days from the date of such qualification and such reports shall not be announced to the public until all accounting issues relating to the reports are resolved by the Council;
 - (p) adopt and keep up-to-date accounting and financial reporting standards, and ensure consistency between standards issued and the International Financial Reporting Standards;
 - (q) specify, in the accounting and financial reporting standards, the minimum requirements for recognition, measurement, presentation and disclosure in annual financial statements, group annual financial statements or other financial reports which every public interest entity shall comply with, in the preparation of financial statements and reports;
 - (r) develop or adopt and keep up-to-date auditing standards issued by relevant professional bodies and ensure consistency between the standards issued and the auditing standards and pronouncements of the International Auditing and Assurance Standards Board, International Organization of Supreme Audit Institutions or any other body that may be designated as such and any other international standards setting body relating to the mandate of the Council;
 - (s) perform such other functions which in the opinion of the Board are necessary or expedient to ensure the efficient performance of the functions of the Council; and
- (c) in subsection (2), by inserting after the word, "implementing" in line 2, the words "financial reporting and corporate governance standards" (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

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

Committee's Recommendation:

Clause 4: Amendment of Section 11 of the Principal Act.

Section 11 of the Principal Act is amended by deleting the letter (s) in the "sections" in paragraph (b) —

The objects of the Council shall be to:

- (a) protect investors and other stakeholders interest;
- (b) give guidance on issues relating to financial reporting and corporate governance to bodies listed in section 2 (2) (b) of this Bill;
- (c) ensure good corporate governance practices in the public and private sectors of the Nigerian economy;
- (d) ensure accuracy and reliability of financial reports and corporate disclosures, pursuant to the various laws and regulations currently in existences; and
- (e) harmonize activities of relevant professional and regulatory bodies as

relating to Corporate Governance and Financial Reporting (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ifa Federal Constituency*).

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

Committee's Recommendation:

Clause 5: Amendment of Section 15 of the Principal Act.

Section 15 of the Principal Act is amended —

- "(1) There is established for the Council 3 Standing Committees and any other committee the Board may deem necessary:
- (a) in subsection (1), paragraph (a), by deleting the words, "and oversight" in line 1.
 - (b) in subsection (1), paragraph (c), by inserting after the word, "Audit", in line 1, the words, "and Risk Management";
 - (c) in subsection (2) by deleting the word, "and oversight" in lines 1 and 2;
 - (a) to receive and review regular reports from the Council on breaches observed;
 - (b) to receive and deliberate on all appeals against sanctions and make recommendations to the Board; and
 - (c) to consider reports from the Council and make recommendations to the Governing Board on:
 - (i) new issues to be addressed by the standard setting directorates; and
 - (ii) convergence of local and international standards and other related matters.
 - (d) in subsection (3), by substituting for paragraphs (b) and (d), new paragraphs "(b) and (d)" —
 - (a) to consider the annual budgets and financial statements and make recommendations to the Board;
 - (b) to appraise financial implication of Council's proposed capital expenditure;
 - (c) to review the Executive Secretary's and management's regular reports on performance against budget for a financial year;
 - (d) to consider the Council's staff establishment, salaries and conditions of service, staff training and development, approval of staff terminal benefits and make recommendations to the Board; and
 - (e) to make recommendations to the Board on the:
 - (i) income and expenditure policies;
 - (ii) level of fines, penalties and other fees;

- (e) in subsection (4), by inserting after the word "Audit", in line 1, the words " and Risk Management".
- (5) Membership of a Standing, Committee shall be 5 persons who are experts in the relevant fields, and the Committee shall elect one of them to be the Chairman of the Committee.
- (6) Standing Committees shall hold meetings once every 3 months and the quorum shall be 3.
- (7) In the absence of the Chairman, members of the committee shall elect one of them to act as Chairman for the meeting.
- (8) Without prejudice to other provisions of this Act, the Board may appoint such other standing or ad-hoc committees as it deems fit to consider and report on any matter with which the Board is concerned.
- (9) A committee appointed under sub-section (8) of this section shall:
 - (a) consist of such number of persons (not necessarily members of the Board) appointed by the Council and shall remain on the Committee in accordance with the terms of his appointment ; and
 - (b) be presided over by a member of the Board.
- (h) in subsection (10), by substituting for the word "confirmed", in line 2, the word "approved" (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

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

PART II — STAFF OF THE COUNCIL

Committee's Recommendation:

Clause 6: Amendment of Section 20 of the Principal Act.

Section 20(3) of the Principal Act is amended by inserting after the word "appointment", in line 2, the words, "promotion, discipline and welfare" —

- "(3) The Board shall be responsible for the appointment, promotion, discipline and welfare of senior management staff from grade level 15 and above for the Council as it may deem necessary and expedient from time-to-time for the proper and efficient performance of the functions of the Council" (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

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

Committee's Recommendation:

Clause 7: Amendment of Section 28 of the Principal Act.

Section 28 of the Principal Act is amended in subsection (1) (a), by inserting after the word, "actuarial", in line 2, a comma and the words, "corporate governance" (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

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

PART IV — FINANCIAL PROVISIONS

Committee's Recommendation:

Clause 8: Amendment of Section 33 of the Principal Act.

Section 33 of the Principal Act is amended —

- (a) in subsection (1), by inserting after the word "be", the word "paid" in line 2:

"(1) The Council shall establish and maintain a Fund into which shall be paid —

- (b) in paragraph (a) by substituting for the word "levies" in line 1, the word "dues" —

- (a) all incomes accruing from annual dues from —

(i) all registered professionals;

(ii) all registered firms of professionals;

(iii) Public Interest Entities; and

(iv) Other Entities as prescribed by the Council and approved by the Minister.

- (b) every registered professional, not less than ₦10,000.00 annually;

- (c) in paragraph (c) (i) - (v), by substituting for existing figures and words, the followings —

(i) an amount equal to 0.10% of market capitalization or ₦500,000 whichever is higher, where the market capitalization of a company is not more than ₦1 Billion;

(ii) an amount equal to 0.04% of market capitalization or ₦2 million whichever is higher, where the market capitalization of a company is greater than ₦1 billion but not more than ₦50 billion;

(iii) an amount equal to 0.04% of market capitalization or ₦3.5 million whichever is higher, where the market capitalization of a company is greater than ₦5 billion but not more than ₦100 billion;

(iv) an amount equal to 0.04% of market capitalization or ₦10 million whichever is lower, where the market capitalization of a company is greater than ₦100 billion but not more than ₦250 billion;

(v) an amount equal to 0.003% of market capitalization or ₦15 million whichever is lower, where the market capitalization of a company is greater than ₦250 billion but not more than ₦500 billion;

- (d) by inserting new sub-paragraphs "(vi) and (vii)" —

(vi) an amount equal to 0.0025% of market capitalization or ₦20 million whichever is lower, where the market

- capitalization of a company is greater than ₦500 billion but not more than ₦1 trillion; and
- (vii) an amount equal to 0.002% of market capitalization or ₦25 million whichever is lower, where the market capitalization of a company is greater than ₦1 trillion.
- (d) every public interest entity other than those covered by paragraph (b), an amount based on its annual turnover as follows:
- (i) an amount equal to 0.02% of annual turnover, where the annual turnover of the entity is not more than ₦25 million;
- (ii) an amount equal to 0.025 % of annual turnover, where the annual turnover of the entity is greater than ₦25 million but not more than ₦50 million;
- (iii) an amount equal to 0.03 % of annual turnover, where the annual turnover of the entity is greater than ₦50 million but not more than ₦500 million;
- (iv) an amount equal to 0.04 % of annual turnover, where the annual turnover of the entity is greater than ₦500million but not more than ₦1 billion;
- (v) an amount equal to 0.045 % of annual turnover, where the annual turnover of the entity is greater than ₦1.00 billion but not more than ₦10 billion; and
- (vi) an amount equal to 0.05 % of annual turnover, where the annual turnover of an entity is greater than ₦10 billion.
- (e) budgetary allocations and subventions from the Federal Government;
- (f) fines and penalties imposed by the Council;
- (g) fees charged for services rendered by the Council;
- (h) rents, fees and other internally generated revenues from services provided by the Council;
- (i) gift, loans, grant-in-aid from national, bilateral and multilateral organizations and agencies; and
- (j) all other sums accruing to the Council from time-to-time.
- (e) in subsection (2) by substituting for the word "levies" in line 1, the word "dues" —
- "(2) The dues referred to, in subsection (1) shall:
- (a) for individual professionals and professional firms, be payable not later than 60 days from 1st January of every year;
- (b) for public interest entities, be payable not later than 120

days of the financial year; and

- (c) for other entities be payable not later than 120 days of the Financial year; and
- (f) in subsection (3), by substituting for the word "levies" in line 2, the word "dues" a new subsection "(3)" after subsection (2) —
- "(3) Where a person or an entity fails to pay the dues as prescribed in sub-section (2) as and when due, the person or entity shall:
- (a) pay a penalty equivalent to 10% of the amount due for every month of default cumulatively until payment is made;
- (b) an entity shall be liable to sanctions as may be prescribed by the Council for any default of its agents, officers or personnel engaged in the financial reporting process for failure to comply with the provisions of this Bill;
- (c) the Council may also prosecute such person or entity for default in payment as prescribed in this section;
- (d) in addition, in the case of a company, the chief executive officer of the company shall be liable to a penalty as may be prescribed by the Council; and/or imprisonment for a term not exceeding 6 months upon conviction" (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

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

Committee's Recommendation:

Clause 9: Amendment of Section 41 of the Principal Act.

Section 41 of the Principal Act is amended by substituting for subsection (6), a new subsection "(6)" —

- "(6) A person who contravenes sub-section (2) of this section shall be liable to a fine of ₦5,000,000 or any other amount as may be prescribed by the Council through regulation from time to time and/or imprisonment for a term not exceeding 6 months upon conviction" (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

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

Committee's Recommendation:

Clause 10: Amendment of Section 42 of the Principal Act.

Section 42 of the Principal Act is amended —

- (a) in subsection (1) by substituting for the words and figure, "valid for a period of 2 years" in line 1, the words "shall be renewed annually"; and
- (b) by deleting subsection (2) (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

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

Committee's Recommendation:**Clause 11: Amendment of Section 48 of the Principal Act.**

Section 48 of the Principal Act is amended by inserting the words "suspend or" after the word "may" in subsection (1):

"(1) The Council may suspend or deregister a professional registered under section 41 where the professional —" (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

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

Committee's Recommendation:**Clause 12: Amendment of Section 51 of the Principal Act.**

Section 51 of the Principal Act is amended in paragraph (a), by inserting a new letter "s" to the word "asses", in line 1:

"(a) assess the need for corporate governance in the public and private sector" (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

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

Committee's Recommendation:**Clause 13: Amendment of Section 53 of the Principal Act.**

Section 53 of the Principal Act is amended in subsection (1), by inserting after the word "Board", in line 7, the words "or any other body that may be designated as such and any other international standards setting body relating to the mandate of the council" (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

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

Committee's Recommendation:**Clause 14: Amendment of Section 59 of the Principal Act.**

Section 59 of the Principal Act is amended in subsection (1) by —

- (a) substituting for the words and figures "Cap. C20, LFN, 2004", in paragraph (b) the figures "2020";
- (b) substituting for the words and figures "Cap. F124, LFN, 2004", in paragraph (c), the figures "2007";
- (c) substituting for the figures, "2010", in paragraph (f), the figures "2014"; and
- (d) by inserting new paragraph (h)-(j) —
 - "(h) Finance Act, 2020";
 - (i) Fiscal Responsibility Act, 2007;
 - (j) Finance Control and Management Act, 1958" (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

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

Committee's Recommendation:

Clause 15: Amendment of Section 60 of the Principal Act.

Section 60 of the Principal Act is amended in paragraph (a), by deleting immediately after the word "investigation", in line 4, the words "subject to the consent of the public interest entity" (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

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

Clause 16: Amendment of Section 61.

Section 61 of the Principal Act is amended by renumbering the existing section 61 as 61A and a new section 61B introduced, as follows:

"61A. Execution of warrant of distraint.

- (1) Annual quality reviews (inspections) shall be conducted for professional accountants that audit more than 20 public interest entities; all others shall be conducted every three years and the Council may order a special inspection of any professional accountant at any time.
- (2) The Council shall require registered professional accounting firms and other professionals to maintain for a period of not less than 6 years, audit work papers and other information related to any audit report, in sufficient detail to support the conclusion reached in the report.
- (3) The Council shall require evidence of a second partner review and audit approach that registered professional accountants adopted on quality control.

- 61B.**
- (1) The Council may co-opt the assistance and co-operation of any of the law enforcement agencies in the discharge of its duties under this Bill.
 - (2) The law enforcement officers shall aid and assist an authorised officer in the execution of any warrant of distraint and the levying of distraint.
 - (3) Any official of the Council armed with the warrant issued by a judicial officer and accompanied by a number of law enforcement officers as may be determined by the Executive Secretary shall:
 - (a) enter any premises covered by such warrant and seal off the premises, search for, seize and take possession of any book, document or other article used or suspected to have been used in the commission of an offence;
 - (b) inspect, make copies of, or take extracts including digital copies from any book, record, document or computer, regardless of the medium used for their storage or maintenance;
 - (c) search any person who is in or on such premises;
 - (d) open, examine and search any article, container or receptacle;

- (e) open any outer or inner door or window of any premises and enter or otherwise forcibly enter the premises and every part thereof; or
 - (f) remove by reasonable force any obstruction to such entry, search, seizure or removal as he is empowered to effect.
- (4) No person shall be bodily searched under this section except by a person who is of the same gender as the person to be bodily searched."

Committee's Recommendation:

Leave out Clause 16 (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

Agreed to.

Committee's recommendation:

Clause 17: Amendment of Section 63 of the Principal Act.

Section 63 of the Principal Act is amended in subsection (2), by inserting after the word "Act", in line 2, the words and figures "shall be liable to a fine and/or penalty of ₦5,000,000 or any other amount as may be prescribed by the Council through regulations from time to time and/or imprisonment for a term not exceeding 6 months upon conviction":

- "(2) A person who obstructs an Inspector in the execution of his powers or duties under the provisions of this Act shall be liable to a fine and/or penalty as the Council shall prescribe by regulation; and/or imprisonment for a term not exceeding 6 months or to both upon conviction" (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

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

Committee's Recommendation:

Clause 18: Amendment of Section 64 of the Principal Act.

Section 64 of the Principal Act is amended —

- (a) in subsection (1), by substituting for the words "on the conviction to a fine of not exceeding ₦10,000,000.00 or imprisonment for a term not exceeding 2 years or both, in lines 6 and 7, the words and figures "to a fine and/or penalty of ₦10,000,000 or any other amount as may be prescribed by the Council through regulations from time to time and/or imprisonment for a term not exceeding 2 years upon conviction"; and
- (b) in subsection (3), by substituting for the words, and figures "on conviction to a fine of not exceeding ₦20,000,000.00 and", in lines 3 and 4, the words and figures, "shall be liable to a fine of ₦25,000,000 or any other amount as may be prescribed by the Council through regulations from time to time, and shall" (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

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

Committee's Recommendation:

Clause 19: Amendment of Section 65 of the Principal Act.

Section 65 of the Principal Act is amended in subsection (3), by substituting for the words and figures, "and shall on conviction be liable to a fine not exceeding

₦10,000,000.00", in lines 2 and 3, the words and figures, "shall be liable to a fine of ₦50,000,000 or any other amount as may be prescribed by the Council through regulations from time to time" —

- "(3) Any public interest entity which fails to comply with the notice referred to in sub-section (2) of this section, commits an offence and shall be liable to a fine of ₦50,000,000 or any other amount as may be prescribed by the Council through regulations from time to time and be required to restate the said financial statements within 30 days thereafter and the Council shall require such entity to disclose same in the following year's financial statements" (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

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

PART VIII — LEGAL PROCEEDINGS

Committee's Recommendation:

Clause 20: Amendment of Section 68 of the Principal Act.

Section 68 of the Principal Act is amended by inserting a new section 68 —

- "(1) Subject to the provisions of this Bill, the provision of the Public Officers Protection Act shall apply in relation to any suit instituted against an officer or employee of the Council.
- (2) No suit shall be commenced against the Council before the expiration of 30 days after a written notice of intention to commence the suit is served upon the Council by the intending plaintiff or his agent.
- (3) The notice referred to, in subsection (2) 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 the relief sought" (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

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

PART IX — MISCELLANEOUS

Committee's Recommendation:

Clause 21: Amendment of Section 72 of the Principal Act.

Section 72 of the Principal Act is amended in subsection (2), by substituting for the words and figures, "sections 60 and 61 of this Act", in lines 2 and 3, the words, "any relevant provisions of this Act".

- "72. (1) The Council shall:
- (a) periodically publish an Official Bulletin, which shall contain:
 - (i) the rules made by the Council; and

- (ii) such other information as the Council may deem necessary;
- (b) cause to be published in the Gazette, national daily newspapers and electronic media, notices relating to the rules of the Council which have been altered or revoked.
- (2) The Council may cause to be published in the Gazette, national daily newspapers and electronic media its findings or decisions under any relevant provisions of this Bill" (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

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

Committee's Recommendation:

Clause 22: Amendment of Section 73 of the Principal Act.

Section 73 of the Principal Act is amended by substituting for a new section "73" —

- "73. (1) The Council may make regulations to give effect to the provisions of this Bill subject to approval of the Minister" (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

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

PART X — INTERPRETATIONS

Committee's Recommendation:

Clause 23: Amendment of Section 77 of the Principal Act.

Section 77 of the Principal Act is amended —

"Annual report" means the documents that an entity issues on an annual basis on its affairs, including its financial statements together with the audit report thereon, and the report from the Board of Directors (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

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

"Audit" has the same meaning as in the International Federation of Accountants (IFAC) Code of Ethics for Professional Accountants (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

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

"Audit firm" means a firm which provides audit services (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

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

"Auditor" means a professionally qualified Accountant or firm of Accountants appointed to conduct an examination of the records of an enterprise and to form an opinion as to whether the accounts have been prepared in accordance with generally accepted accounting principles (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

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

"Board" means the governing body of the Financial Reporting Council of Nigeria established under section 2 (1) of this Act (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

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

"code of corporate governance" means the Code of Corporate Governance issued by the Directorate of Corporate Governance in this Act (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

Question that the meaning of the words "code of corporate governance" be as defined in the interpretation to this Bill — Agreed to.

"Director" has the same meaning given to it under the Companies and Allied Matters Act, 2004 (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

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

"Entity" means any person or body of persons, whether incorporated or unincorporated (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

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

"Financial reporting standards" mean accounting, auditing, actuarial and valuation standards issued by the Council under this Act (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

Question that the meaning of the words "Financial reporting standards" be as defined in the interpretation to this Bill — Agreed to.

- (a) by substituting for the words, "to be included in a financial statements, as required under Companies and Allied Matters Act, 2004 whether interim or final, and any other relevant accounting standards" after the word, "documents", the words, "as may be prescribed by the Council under this Bill" in the interpretation of Financial Statements:

"Financial statements" means the Statement of Financial Position or balance sheet, income statements or profit or loss account, statement of changes in equity, statement of cash flows, notes, statements and explanatory materials thereon and other documents, as may be prescribed by the Council under this Bill (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

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

"Functions" include powers and duties (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

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

"IASB" means the International Accounting Standards Board or its successor body (Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency).

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

"IFAC" means the International Federation of Accountants or its successor body (Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency).

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

(b) by inserting the words "IPSASB" means the International Public Sector Accounting Standards Board" after the interpretation of "IFAC";

(c) by inserting the words "material irregularity" means fraud, deliberate misstatements of financial statements, falsification, defalcations, etc." after the interpretation of "IPSASB";

"material irregularity" includes fraud, deliberate misstatements of financial statements, falsifications, defalcations, etc. (Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency).

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

"Minister" means the Minister charged with responsibility of supervising the activities of the Council (Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency).

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

(d) by inserting the words, "Offence" includes but not limited to default in payment of annual dues, submission of returns and other infractions, irregularities committed by entity or individual against the provisions of this Bill" after the interpretation of "Minister":

"Offence" includes but is not limited to default in payment of annual dues/subscriptions, submission of returns and other infractions, irregularities committed by entity or individual against the provisions of this Bill (Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency).

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

"Official Bulletin" means the official journal of the Council (Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency).

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

"Practice" in relation to an auditor, means the practice of the auditor or the audit

firm (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

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

- (e) by substituting for "Public Interest Entities", a new interpretation —
- (a) Governments and government organizations;
 - (b) Listed entities on any recognized exchange in Nigeria;
 - (c) Non-listed entities that are regulated;
 - (d) Public liability Companies;
 - (e) Private companies that are holding companies of public or regulated entities;
 - (f) Concession entities;
 - (g) Privatized entities in which government retains an interest;
 - (h) Entities engaged by any tier of government in public works with annual contract sum of ₦1 billion and above, and settled from public funds;
 - (i) Licensees of Government; and
 - (j) all other entities with an annual turnover of N30 billion and above" after the interpretation of "Professional Accountants".

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

Committee's Recommendation:

Clause 24: Citation.

This Bill may be cited as Financial Reporting Council of Nigeria Act, (Amendment) Bill, 2023 (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

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

Explanatory Memorandum:

This Bill seeks to amend Financial Reporting Council of Nigeria Act, 2011 to among other things, streamline the membership of the governing board to strengthen the council to discharge effective regulatory responsibilities on financial reporting and corporate governance in Nigeria (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila Federal Constituency*).

Agreed to.

Long Title:

A Bill for an Act to Amend the Financial Reporting Council of Nigeria Act, 2011 to Among Other Things Streamline the Membership of the Governing Board to Strengthen the Council to Discharge Effective Regulatory Responsibilities on Financial Reporting and Corporate Governance in Nigeria; and for Related Matters (HB. 1817) (*Hon. Julius Olufemi Fakeye — Boluwaduro/Ifedayo/Ila 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 resumed consideration of the Report of the Committee on Commerce on a Bill for an Act to Amend the Financial Reporting Council of Nigeria Act, 2011 to, among other things, streamline the Membership of the Governing Board, strengthen the Council to discharge effective Regulatory responsibilities on Financial Reporting and Corporate Governance in Nigeria; and for Related Matters (HB. 1817) and approved Clauses 3 - 24, 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.

18. Adjournment

That the House do adjourn till Tuesday, 31 January, 2023 at 11.00 a.m. (Hon. Mohammed Monguno Tahir — Chief Whip).

The House adjourned accordingly at 3.43 p.m.

Femi Hakeem Gbajabiamila
Speaker

