



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA VOTES AND PROCEEDINGS

Thursday, 11 July, 2024

1. The House met at 11.30 a.m. Mr Speaker read the Prayers.
2. The House sang the National Anthem and recited the National Pledge.
3. **Votes and Proceedings**
Mr Speaker announced that he had examined and approved the *Votes and Proceedings* of Wednesday, 10 July, 2024.

The Votes and Proceedings was adopted by unanimous consent.

4. **Petitions**

- (i) A petition from Ayuba D. Nibori and one other, on behalf of Cham Progressive Association, Gombe State on alleged non-completion of Cham Dam, Gombe State by the Minister of Water Resources, was presented and laid by Hon. Ali Isa JC (*Balanga/Billiri Federal Constituency*);
- (ii) A Petition from Idiku David Odey, on alleged non-reinstatement to work by the Public Complaints Commission (PCC) was presented and laid by Hon. Ibe Okwara Osonwa (*Arochukwu/Ohafia Federal Constituency*);
- (iii) A petition from Ugochukwu Oriroha and 11 others, on alleged intimidation and harassment by the Nigeria Police Force, was presented and laid by Hon. Victor Obuzor (*Ahoada West/Ogba Egbeni/Ndoni Federal Constituency*);
- (iv) The following Petitions were presented and laid by Hon. Chris Nkwonta (*Ukwa East/Ukwa West Federal Constituency*):
 - (a) Ibe Ignatius Chukwudi and 1 other, on alleged illegal occupation of their properties at Yaba, Abaji by the Agricultural and Rural Development Secretariat, FCT,
 - (b) Rafiu Babatunde Taiwo, on alleged negligence and inadequate compensation for workplace injury by Prima Corporation Limited, Alaba Coker, Lagos State;
- (v) A petition from Chukwuemeka Onuora and 1 other, on behalf of Umu-Ugwagu Sub-family

of Umu-Ezechima, Umuota Obosi, Idemilli North Local Government Area, Anambra State, on the devastating erosion ravaging their land, was presented and laid by Hon. Uchenna Harris Okonkwo (*Idemili North/Idemili South Federal Constituency*);

- (vi) A petition from F. S. J. (Legal Practitioners), on behalf of Rahamat Tahiru, on alleged detention of her husband, Salihu Muhammed Tahiru by the Department of State Services (DSS) , was presented and laid by Hon. Abdulmaleek Abdaulraheem Danga (*Adavi/Okehi Federal Constituency*);
- (vii) A petition from Dele Alufe (Legal Prattitioners), on behalf of Joscal Engineering and Contracting Company Nigeria Limited, on alleged encroachment and destruction of their property by NNPC Pension Fund Limited and 1 other, was presented and laid by Hon. Benedict Etanabene (*Okpe/Sapele/Uvwie Federal Constituency*);
- (viii) A petition from Mayo Balewo/Mai-Idanu Community, Gashaka Local Government Area, Taraba State on alleged killings by African Nature Investors (ANI) and Management of Gashaka- Gumti National Park, Taraba State, was presented and laid by Hon. David Abel Fuoh (*Sardauna/Kuymi/Gashaka Federal Constituency*);
- (ix) A petition from Othman Abdulhameed, on alleged non-compliance with due process in the retrenchment of workers by the Management of Julius Berger Plc , was presented and laid by Hon. Aguye Suleiman Danladi (*Lokoja/Kogi/Koton Karfi Federal Constituency*).

Petitions referred to the Committee on Public Petitions.

5. Matters of Urgent Public Importance (Standing Order Eight, Rule 5)

- (i) ***Lingering Police Recruitment Dispute Halting the 2023/2024 Police Recruitment:***
Hon. Mitema Obordor (*Ogbia 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 5 (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 5 (3) to enable it debate the matter forthwith — Agreed to.

Lingering Police Recruitment Dispute Halting the 2023/2024 Police Recruitment:

The House:

Notes that the Nigeria Police Force is the principal law enforcement and lead security agency, established in 1930 from a merger of the two preceding agencies; the Northern and Southern Nigeria Police, and designated by section 214 of the Constitution of the Federal Republic of Nigeria, 1999 as a national Police of Nigeria with exclusive jurisdiction to provide civil services, maintain law and order, and protect lives and property;

Also notes that the Nigeria Police Force is a Federal Government organization consisting of 36 State Commands and the Federal Capital Territory (FCT), grouped into 17 zones and 8 administrative organs, with a personnel strength of approximately 371,800, and headed by the Inspector-General of Police;

Further notes that the Nigeria police is under the supervision of the Police Service

Commission which has the power to appoint, promote and dismiss all officers of the Nigeria Police Force (NPF) except the Inspector-General of Police (IGP) and with the objective of brokering a relationship of trust and confidence between the public and the police;

Aware that in view of the population of Nigeria and the security situation in the country, the ideal police-to-citizen ratio in Nigeria ought to be one police officer to 200 citizens. However, the country currently has a ratio of one police officer to 650 citizens, indicating a significant shortfall in the Nigerian police strength, and far below the United Nations recommendation of one police to 450 citizens;

Also aware of the lingering dispute between the Police Service Commission and the Inspector-General of Police, which has resulted to an impasse, and regrettably halted the ongoing recruitment process for almost ten months;

Concerned that the lingering dispute between the Police Service Commission and the Inspector-General of Police which has resulted to a halt in the 2023/2024 recruitment process exacerbates the existing shortage of police personnel, undermining the police's capacity to effectively respond to security threats;

Recognizes the critical need to strengthen the Nigeria Police Force by setting a ratio of one police officer to 200 citizen, or adopt the United Nations recommendation of a ratio of one police officer to 450 citizens to address the escalating security challenges facing the nation;

Also recognizes that the resolution of the lingering dispute between the Police Service Commission and the Inspector-General of Police, and the recruitment of additional police officers are crucial to bolstering Nigeria's security and ensuring the safety of citizens;

Worried that this shortage of police personnel has reduced police presence in communities, thereby leading to a surge in crime rates as criminals take advantage of the situation especially in Bayelsa State, compromised public safety, eroded trust in the police force and the Government's ability to ensure security;

Also worried that the dispute between the Police Service Commission and the Inspector-General of Police which has resulted to a halt in the police recruitment and the attendant capacity shortage and weakness of the Nigeria Police may have a far-reaching national security implications, potentially emboldening terrorists, bandits and other criminal elements;

Resolves to:

- (i) call on the Executive Arm of Government to provide adequate funding and resources necessary to support the recruitment and training of Police Officers;
- (ii) also call on the Executive Arm of Government to increase the number of police personnel to be recruited, ensure that the federal character provisions as enshrined in the 1999 Constitution is strictly adhered to;
- (iii) mandate the Committees on Police Affairs, and Police Institutions to investigate the root cause of the lingering dispute between the Police Service Commission and the Inspector-General of Police, with the aim of resolving the dispute, and proceed with the recruitment process without further delay, and report within four (4) weeks (*Hon. Mitema Obodor — Ogbia Federal Constituency*).

Debate.

Agreed to.

The House:

The House:

Noted that the Nigeria Police Force is the principal law enforcement and lead security agency, established in 1930 from a merger of the two preceding agencies; the Northern and Southern Nigeria Police, and designated by section 214 of the Constitution of the Federal Republic of Nigeria, 1999 as a national Police of Nigeria with exclusive jurisdiction to provide civil services, maintain law and order, and protect lives and property;

Also noted that the Nigeria Police Force is a Federal Government organization consisting of 36 State Commands and the Federal Capital Territory (FCT), grouped into 17 zones and 8 administrative organs, with a personnel strength of approximately 371,800, and headed by the Inspector-General of Police;

Further noted that the Nigeria Police is under the supervision of the Police Service Commission which has the power to appoint, promote and dismiss all officers of the Nigeria Police Force (NPF) except the Inspector-General of Police (IGP) and with the objective of brokering a relationship of trust and confidence between the public and the police;

Aware that in view of the population of Nigeria and the security situation in the country, the ideal police-to-citizen ratio in Nigeria ought to be one police officer to 200 citizens. However, the country currently has a ratio of one police officer to 650 citizens, indicating a significant shortfall in the Nigerian police strength, and far below the United Nations recommendation of one police to 450 citizens;

Also aware of the lingering dispute between the Police Service Commission and the Inspector-General of Police, which has resulted to an impasse, and regrettably halted the ongoing recruitment process for almost ten months;

Concerned that the lingering dispute between the Police Service Commission and the Inspector-General of Police which has resulted to a halt in the 2023/2024 recruitment process exacerbates the existing shortage of police personnel, undermining the police's capacity to effectively respond to security threats;

Recognized the critical need to strengthen the Nigeria Police Force by setting a ratio of one police officer to 200 citizen, or adopt the United Nations recommendation of a ratio of one police officer to 450 citizens to address the escalating security challenges facing the nation;

Also recognized that the resolution of the lingering dispute between the Police Service Commission and the Inspector-General of Police, and the recruitment of additional police officers are crucial to bolstering Nigeria's security and ensuring the safety of citizens;

Worried that this shortage of police personnel has reduced police presence in communities, thereby leading to a surge in crime rates as criminals take advantage of the situation especially in Bayelsa State, compromised public safety, eroded trust in the police force and the Government's ability to ensure security;

Also worried that the dispute between the Police Service Commission and the Inspector-General of Police which has resulted to a halt in the police recruitment and the attendant capacity shortage and weakness of the Nigeria Police may have a far-reaching national security implications, potentially emboldening terrorists, bandits and other criminal elements;

Resolved to:

- (i) call on the Executive Arm of Government to:
 - (a) provide adequate funding and resources necessary to support the recruitment and training of Police Officers,
 - (b) increase the number of police personnel to be recruited, ensure that the federal character provisions as enshrined in the 1999 Constitution is strictly adhered to;
 - (ii) mandate the Committees on Police Affairs, and Police Institutions to investigate the root cause of the lingering dispute between the Police Service Commission and the Inspector-General of Police, with the aim of resolving the dispute, and proceed with the recruitment process without further delay, and report within four (4) weeks (**HR. 22/07/2024**).
- (ii) ***National Hajj Commission of Nigeria (NAHCON) and FCTA Muslim Pilgrims Welfare Board, their Agents and Sub Agents Over Shoddy Arrangement and Treatment of Nigerian Pilgrims in the 2024 Hajj Exercise:***
Hon. Mohammed Omar Bio (*Baruten/Kaiama 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 5 (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 5 (3) to enable it debate the matter forthwith — Agreed to.

National Hajj Commission of Nigeria (NAHCON) and FCTA Muslim Pilgrims Welfare Board, their Agents and Sub-Agents over Shoddy Arrangement and Treatment of Nigerian Pilgrims in the 2024 Hajj Exercise:

The House:

Notes that Hajj exercise is important in the life of every Muslims and is, in fact, one of the five pillars of Islam;

Also notes that NAHCON was set up to provide efficient and effective services to the pilgrims through implementation of NAHCON Act;

Further notes that for seamless coordination in the states of the federation, each State has Muslim Pilgrims Welfare Board and that of FCT is the FCTA Muslim Pilgrims Welfare Board;

Observes that about 50,865 Muslim Pilgrims across the States in Nigeria were under the care of NAHCON and some of them were not taken care of in terms of welfare, organization, guidance and monitoring as expected;

Cognizant of the huge amount paid by the Pilgrims for the 2024 Hajj exercise, NAHCON's 2024 Budget Allocation, intervention from the Federal Government to the tune of 90 Billion Naira and support from Government of Saudi Arabia, NAHCON's and FCTA Muslim Pilgrims Welfare Board's performance in the 2024 Hajj Exercise especially in Makkah and

Mina was unexpected;

Disturbed that if this poor performance of NAHCON is not investigated with a view to improve future performance, future Hajj exercise for Nigerian citizens may be more complicated and put the entire country in bad light in the committee of nations;

Resolves to:

- (i) condemn the performance of NAHCON and FCTA Muslim Pilgrims Welfare Board in the 2024 Hajj exercise; and
- (ii) set up an *Ad-hoc* Committee to investigate the activities of NAHCON and Federal Capital Territory Administration Muslim Pilgrims Welfare Board, their agents and sub agents in the 2024 Hajj exercise (*Hon. Mohammed Omar Bio — Baruten/Kalama Federal Constituency*).

Debate.

Agreed to.

The House:

Noted that Hajj exercise is important in the life of every Muslims and is, in fact, one of the five pillars of Islam;

Also noted that NAHCON was set up to provide efficient and effective services to the pilgrims through implementation of NAHCON Act;

Further noted that for seamless coordination in the states of the federation, each State has Muslim Pilgrims Welfare Board and that of FCT is the FCTA Muslim Pilgrims Welfare Board;

Observed that about 50,865 Muslim Pilgrims across the States in Nigeria were under the care of NAHCON and some of them were not taken care of in terms of welfare, organization, guidance and monitoring as expected;

Cognizant of the huge amount paid by the Pilgrims for the 2024 Hajj exercise, NAHCON's 2024 Budget Allocation, intervention from the Federal Government to the tune of 90 Billion Naira and support from Government of Saudi Arabia, NAHCON's and FCTA Muslim Pilgrims Welfare Board's performance in the 2024 Hajj Exercise especially in Makkah and Mina was unexpected;

Disturbed that if this poor performance of NAHCON is not investigated with a view to improve future performance, future Hajj exercise for Nigerian citizens may be more complicated and put the entire country in bad light in the committee of nations;

Resolved to:

- (i) condemn the performance of NAHCON and FCTA Muslim Pilgrims Welfare Board in the 2024 Hajj exercise; and
- (ii) set up an *Ad-hoc* Committee to investigate the activities of NAHCON and Federal Capital Territory Administration Muslim Pilgrims Welfare Board, their agents and sub agents in the 2024 Hajj exercise (**HR. 23/07/2024**).

Ad-hoc Committee on the Investigation of the National Hajj Commission of Nigeria (NAHCON) and FCTA Muslim Pilgrims Welfare Board, their Agents and Sub Agents Over Shoddy Arrangement and Treatment of Nigerian Pilgrims in the 2024 Hajj Exercise (HR. 23/07/2024):

Mr Speaker announced membership of the Committee as follows:

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|--------|-------------------------------|---|-----------------|
| (i) | Hon. Sada Soli | — | <i>Chairman</i> |
| (ii) | Hon. Jafaru Mohammed Ali | — | <i>Member</i> |
| (iii) | Hon. Chiroma Garba Mohammed | — | <i>Member</i> |
| (iv) | Hon. Yusuf Umar Yabo | — | <i>Member</i> |
| (v) | Hon. Stanley Adedeji | — | <i>Member</i> |
| (v) | Hon. Ebikake Marie Enenimiete | — | <i>Member</i> |
| (vii) | Hon. Danladi Aguye | — | <i>Member</i> |
| (viii) | Hon. Jaha Ahmadu Usman | — | <i>Member</i> |
| (ix) | Hon. Igariwey Idumma Enwo | — | <i>Member</i> |

(iii) *Continued Eviction of Police Officers from Barracks:*

Hon. Kwamoti Bitrus Laori (*Demsa/Numan/Lamurde 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 5 (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 5 (3) to enable it debate the matter forthwith — Agreed to.

Continued Eviction of Police Officers from Barracks:

The House:

Notes that it is more than 5 years that the Nigeria Police Trust Fund (Establishment) Act, 2019 was signed into law by His Excellency, Muhammadu Buhari, GCFR, the former President of the Federal Republic of Nigeria on 24 June, 2019, to operate for 6 years from its commencement date, and the law will expire in less than a year;

Also notes that Section 5 (e) of the Nigeria Police Trust Fund (Establishment) Act, 2019, clearly stated that one of the purposes of the fund is "for the construction of police stations, provision of living facilities, such as quarters or barracks for the Nigeria Police Force";

Recalls that on Thursday, 26 October, 2023, the House of Representatives on a similar matter resolved to urge the Ministry of Interior and Police Affairs to liaise with the Bureau for Public Enterprise to assess the value of all federal-owned Police Barracks across the country for the purpose of auctioning;

Recognizes that annual budgetary allocation for the construction of befitting Housing Accommodation for serving police officers is always being captured in the annual appropriations since the establishment of the fund and it is on record that more than 5 Billion Naira have been spent on renovation of barracks from 2019 to date without any corresponding;

Cognizant that Police Officers and their families deserve conducive accommodation as against the current situation where they live in dilapidated structures only fit for lizards and reptiles and bat due to large cracks and leaking roofs, while the welfare of the gallant police officers has continued to deteriorate making it imperative for police housing scheme to be revisited;

Aware that in recent time, online news platforms have been inundated with stories of former IGPs, some officers of the Nigeria Police Mortgage Bank and an estate developer, Messrs Copran International Limited, appearing in the Federal High Court, Abuja on allegations bordering illegal sales of property designated for police barracks across the country;

Also aware that following the directives by a former IGP that Police Officers should vacate 25 Police Barracks in Lagos State for the purpose of renovation or reconstruction, which has resulted to the displacement of some serving police officers and their families due to inadequate arrangements to prevent the humanitarian, psychological or trauma associated human displacements without minding the security consequence;

Worried that considering the high cost of rent and general cost of living caused by high inflation and other economic factors in the nation, crime rate and general insecurity has increased astronomically because the timing for implementing well-intentioned policy is wrong;

Also worried that rather than our gallant Police Officers to focus on providing security of lives and property of the Nigerian citizens, they are faced with threat to their personal security as they have to settle the issue of displacement and providing a safe accommodation for their family members, and this is not without implication on the internal security;

Concerned that barracks in Mobolaji Bank Anthony Way, Officers Quarters, Ikeja - GRA, Officers Mess at Zone 2, Onikan and the DIGs quarters in Maitama, Abuja, have been vacated for over two years without the said renovation or reconstruction work done and affected Police Officers were not relocated, there is growing fear and distrust that the directive is just another plot to sell off the property not minding the plight of police personnel;

Disturbed that continuing with the proposed policy may have dire consequences on the morale and psyche of affected police personnel as well as the security of lives and property of people living in Nigeria making it imperative to urgently act to rebuild the loss of confidence and trust of police personnel in the process' of proposed renovation or reconstruction of police barracks;

Resolves to:

- (i) urge the Police authority to suspend the planned eviction of hundreds of thousands of Police personnel from their barracks for the purpose of renovation and reconstruction or remodeling under any Public Private Partnership pending investigation into previous attempts to implement such policy by former IGPs;
- (ii) mandate the Committees on Police Affairs, and Governmental Affairs to submit its Report as resolved by the House in the Votes and Proceedings of Thursday, 26 October, 2023, as well as previous resolution of the House on the subject matter with a view to advise on the best strategy for implementing the policy, prevent rendering police officers and their families as internally displaced persons and its attendant implications, considering the cholera outbreak in some States affected by the policy and the economic hardship being experienced throughout the country;
- (iii) also mandate the Committees on Police Affairs, and Legislative Compliance to ensure compliance and report within four (4) weeks (*Hon. Kwamoti Bitrus Laori — Demsa/Numan/Lamurde Federal Constituency*).

Debate.

Amendment Proposed:

In Prayer (ii), immediately after the words “Police Affairs”, *insert* the words “ and Public Assets” (*Hon. Gaza Jonathan Gbefwi — Karu/Keffi/Kokona Federal Constituency*).

Question that the amendment be made — Agreed to.

Question on the Motion as amended — Agreed to.

The House:

Noted that it is more than 5 years that the Nigeria Police Trust Fund (Establishment) Act, 2019 was signed into law by His Excellency, Muhammadu Buhari, GCFR, the former President of the Federal Republic of Nigeria on 24 June, 2019, to operate for 6 years from its commencement date, and the law will expire in less than a year;

Also noted that Section 5 (e) of the Nigeria Police Trust Fund (Establishment) Act, 2019, clearly stated that one of the purposes of the fund is "for the construction of police stations, provision of living facilities, such as quarters or barracks for the Nigeria Police Force";

Recalled that on Thursday, 26 October, 2023, the House of Representatives on a similar matter resolved to urge the Ministry of Interior and Police Affairs to liaise with the Bureau for Public Enterprise to assess the value of all federal-owned Police Barracks across the country for the purpose of auctioning;

Recognized that annual budgetary allocation for the construction of befitting Housing Accommodation for serving police officers is always being captured in the annual appropriations since the establishment of the fund and it is on record that more than 5 Billion Naira have been spent on renovation of barracks from 2019 to date without any corresponding;

Cognizant that Police Officers and their families deserve conducive accommodation as against the current situation where they live in dilapidated structures only fit for lizards and reptiles and bat due to large cracks and leaking roofs, while the welfare of the gallant police officers has continued to deteriorate making it imperative for police housing scheme to be revisited;

Aware that in recent time, online news platforms have been inundated with stories of former IGPs, some officers of the Nigeria Police Mortgage Bank and an estate developer, Messrs Copran International Limited, appearing in the Federal High Court, Abuja on allegations bordering illegal sales of property designated for police barracks across the country;

Also aware that following the directives by a former IGP that Police Officers should vacate 25 Police Barracks in Lagos State for the purpose of renovation or reconstruction, which has resulted to the displacement of some serving police officers and their families due to inadequate arrangements to prevent the humanitarian, psychological or trauma associated human displacements without minding the security consequence;

Worried that considering the high cost of rent and general cost of living caused by high inflation and other economic factors in the nation, crime rate and general insecurity has increased astronomically because the timing for implementing well-intentioned policy is wrong;

Also worried that rather than our gallant Police Officers to focus on providing security of lives and property of the Nigerian citizens, they are faced with threat to their personal security as they have to settle the issue of displacement and providing a safe accommodation for their family members, and this is not without implication on the internal security;

Concerned that barracks in Mobolaji Bank Anthony Way, Officers Quarters, Ikeja - GRA, Officers Mess at Zone 2, Onikan and the DIGs quarters in Maitama, Abuja, have been vacated for over two years without the said renovation or reconstruction work done and affected Police Officers were not relocated, there is growing fear and distrust that the directive is just another plot to sell off the property not minding the plight of police personnel;

Disturbed that continuing with the proposed policy may have dire consequences on the morale and psyche of affected police personnel as well as the security of lives and property of people living in Nigeria making it imperative to urgently act to rebuild the loss of confidence and trust of police personnel in the process' of proposed renovation or reconstruction of police barracks;

Resolved to:

- (i) urge the Police authority to suspend the planned eviction of hundreds of thousands of Police personnel from their barracks for the purpose of renovation and reconstruction or remodeling under any Public Private Partnership pending investigation into previous attempts to implement such policy by former IGPs;
- (ii) mandate the Committees on Police Affairs, Governmental Affairs, and Public Assets to submit its Report as resolved by the House in the Votes and Proceedings of Thursday, 26 October, 2023, as well as previous resolution of the House on the subject matter with a view to advise on the best strategy for implementing the policy, prevent rendering police officers and their families as internally displaced persons and its attendant implications, considering the cholera outbreak in some States affected by the policy and the economic hardship being experienced throughout the country;
- (iii) also mandate the Committees on Police Affairs, Public Assets, and Legislative Compliance to ensure compliance and report within four (4) weeks (**HR. 24/07/2024**).

Motion made and Question proposed, "That the House do suspend Order Eight, Rule 5 (4) to enable it take more than 3 matters of urgent public importance" (*Hon. Abdullahi Ibrahim Ali — Deputy House Leader*).

Agreed to.

- (iv) ***Devastating Windstorm that Occurred in Minjibir Local Government Area, Kano State:***
Hon. Sani Adamu Wukili (*Minjibir/Ungogo 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 5 (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 5 (3) to enable it debate the matter forthwith — Agreed to.

Devastating Windstorm that Occurred in Minjibir Local Government Area of Kano State:

The House:

Notes the recent devastating windstorm that ravaged Unguwar Abuja, Galwanga, Unguwan-Gabas, Sabuwar-Abuja, Abdakaya, Yanzaki, Masallacin-Idi, Dingin, America, Sakau, Works, Tasha-Belu, Kuka, Unguwar-Yamma, UnguwarGabar communities in Minjibir Local Government Area of Kano State:

Also notes that the natural disaster that occurred on Tuesday, 29 May, 2024, accompanied by a heavy rainfall has left a trail of destruction in the communities resulting to loss of life

of one individual and injury to several others;

Concerned that the raging storm caused severe damage to buildings, including residential houses, schools, shops, worship centres and destroyed electricity poles prompting a black out in the communities:

Worried that the gusty wind which destroyed farmlands and uprooted several economic trees has pulled off roof tops, reduced several houses to rubble and destroyed electric poles has rendered several residents homeless, affected businesses and farmlands thereby aggravating the already challenging conditions faced by the communities:

Resolves to:

- (i) observe a minute silence in honour of the deceased;
- (ii) urge the Federal Ministry of Humanitarian Affairs and Poverty Alleviation and the National Emergency Management Agency (NEMA) to provide relief materials and immediate assistance to the communities and individuals affected;
- (iii) mandate the Committees on Emergency and Disaster Preparedness, Poverty Alleviation, and Legislative Compliance to ensure compliance (*Hon. Sani Adamu Wukili — Minjibir/Ungogo Federal Constituency*).

Debate.

Agreed to.

The House:

Noted the recent devastating windstorm that ravaged Unguwar Abuja, Galwanga, Unguwan-Gabas, Sabuwar-Abuja, Abdakaya, Yanzaki, Masallacin-Idi, Dingin, America, Sakau, Works, Tasha-Belu, Kuka, Unguwar-Yamma, UnguwarGabar communities in Minjibir Local Government Area of Kano State:

Also noted that the natural disaster that occurred on Tuesday, 29 May, 2024, accompanied by a heavy rainfall has left a trail of destruction in the communities resulting to loss of life of one individual and injury to several others;

Concerned that the raging storm caused severe damage to buildings, including residential houses, schools, shops, worship centres and destroyed electricity poles prompting a black out in the communities:

Worried that the gusty wind which destroyed farmlands and uprooted several economic trees has pulled off roof tops, reduced several houses to rubble and destroyed electric poles has rendered several residents homeless, affected businesses and farmlands thereby aggravating the already challenging conditions faced by the communities:

Resolved to:

- (i) observe a minute silence in honour of the deceased;
- (ii) urge the Federal Ministry of Humanitarian Affairs and Poverty Alleviation and the National Emergency Management Agency (NEMA) to provide relief materials and immediate assistance to the communities and individuals affected;
- (iii) mandate the Committees on Emergency and Disaster Preparedness, Poverty Alleviation, and Legislative Compliance to ensure compliance (**HR. 25/07/2024**).

A minute silence observed in hour of the deceased.

- (v) ***Sufferings of the People of Yamaltu and Deba Local Government Areas of Gombe State who are negatively affected by the delayed Rainfall in the Constituency and parts of Gombe State:***

Hon. Inuwa Garba (Yamaltu/Deba 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 5 (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 5 (3) to enable it debate the matter forthwith — Agreed to.

Sufferings of the People of Yamaltu and Deba Local Government Areas of Gombe State who are negatively affected by the delayed Rainfall in the Constituency and parts of Gombe State:

The House:

Notes that the Yamaltu/Deba Federal Constituency is currently experiencing unprecedented delayed rainfalls and drought in the midst of rainy season, as indicated on mean monthly rainfall over a period of 33 years (1970-2022) collected from Nigerian Meteorological Agency (NIMET) indicated that Taraba and Borno States received more rainfall than Gombe State;

Concerned that these unexplainable climate changes have severely impacted on local farmers who rely on timely and regular rainfall for their agricultural activities;

Worried that the continued drought poses a significant threat to agricultural productivity, potentially leading to long-term food shortages and economic instability in the constituency and the State as a whole;

Disturbed that the livelihoods of farmers and the overall food security of the federal constituency are at risk, necessitating immediate action to mitigate the adverse effects of the drought;

Believes that efforts should be made to ensure the stability and sustainability of agricultural productivity in the face of climatic uncertainties in the affected federal constituency;

Resolves to;

- (i) call on the Executive Arm of Government through the Federal Ministry of Agriculture and Food Security and National Emergency Management Agency (NEMA) to urgently provide support and assistance to the affected farmers in Yamaltu/Deba Federal Constituency and Gombe State as a whole through provision of drought-resistant seeds, irrigation equipment, and technical support to mitigate the effects of the drought on agricultural productivity;
- (ii) urge the Federal Ministry of Agriculture and Food Security, NEMA and NIMET to promote the long time strategies to address the impacts of climate change on agriculture, including investment in sustainable farming practices, water management systems and the development of early warning systems to better prepare for future climate challenges;

- (iii) mandate the Committee on Emergency and Disaster Preparedness to liaise with the National Emergency Management Agency (NEMA) to conduct a thorough assessment of the situation and provide emergency relief materials to the affected farmers including food supplies, financial assistance and other necessary resources (*Hon. Inuwa Garba — Yamaltu/Deba Federal Constituency*).

Debate.

Agreed to.

The House:

Noted that the Yamaltu/Deba Federal Constituency is currently experiencing unprecedented delayed rainfalls and drought in the midst of rainy season, as indicated on mean monthly rainfall over a period of 33 years (1970-2022) collected from Nigerian Meteorological Agency (NIMET) indicated that Taraba and Borno States received more rainfall than Gombe State;

Concerned that these unexplainable climate changes have severely impacted on local farmers who rely on timely and regular rainfall for their agricultural activities;

Worried that the continued drought poses a significant threat to agricultural productivity, potentially leading to long-term food shortages and economic instability in the constituency and the State as a whole;

Disturbed that the livelihoods of farmers and the overall food security of the federal constituency are at risk, necessitating immediate action to mitigate the adverse effects of the drought;

Believed that efforts should be made to ensure the stability and sustainability of agricultural productivity in the face of climatic uncertainties in the affected federal constituency;

Resolved to:

- (i) call on the Executive Arm of Government through the Federal Ministry of Agriculture and Food Security and National Emergency Management Agency (NEMA) to urgently provide support and assistance to the affected farmers in Yamaltu/Deba Federal Constituency and Gombe State as a whole through provision of drought-resistant seeds, irrigation equipment, and technical support to mitigate the effects of the drought on agricultural productivity;
- (ii) urge the Federal Ministry of Agriculture and Food Security, NEMA and NIMET to promote the long time strategies to address the impacts of climate change on agriculture, including investment in sustainable farming practices, water management systems and the development of early warning systems to better prepare for future climate challenges;
- (iii) mandate the Committee on Emergency and Disaster Preparedness to liaise with the National Emergency Management Agency (NEMA) to conduct a thorough assessment of the situation and provide emergency relief materials to the affected farmers including food supplies, financial assistance and other necessary resources (**HR. 26/07/2024**).
- (vi) ***Incessant and Unlawful Arrest and Detention of Journalists by Law Enforcement Agencies:*** Hon. Clement Jimbo (*Abak/Etim Ekpo/Ika 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 5 (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 5 (3) to enable it debate the matter forthwith — Agreed to.

Incessant and Unlawful Arrest and Detention of Journalists by Law Enforcement Agencies:

The House:

Notes that freedom of the Press is a fundamental right enshrined in Section 39 (1) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), which guarantees journalists the ability to report news without fear of arrest or persecution;

Aware that freedom of the Press as the fourth estate of the realm is a *sine qua non* of democracy, as essential ingredient for holding government accountable and ensuring transparency;

Also notes that there has been a troubling increase in the number of journalists being unlawfully arrested, detained, and harassed for carrying out their professional duties relying on the offence of Cyber-Stalking within the Cybercrimes Act, 2015;

Observes that in recent times, between 2015 and 2024 there has been incessant unwarranted arrest, unlawful detention and several other forms of harassment and intimidation meted on at least 25 journalists in the course of their duty, which is threatening the very fundamental pillar of democracy, and culminating into a breach of their constitutionally guaranteed rights to free speech;

Acknowledges that earlier this year 2024 that the President signed the Amended Act with a substantial adjustment on section 24, which listed what constitutes cyber-stalking and provided the punishment for such, while law enforcement agents neglect this aspect and continued their clampdown on free speech, and regrettably, at least 10 journalists have been arrested in the past one year and 15 of them in the last dispensation;

Concerned that apart from the arrest of journalists and its consequences, it may lead to a worsening climate for investigative and independent journalism in the country's media space, and the fourth republic democracy will be impugned by her admirers due to the excesses of those perpetuating the act of arbitrary absolutism;

Worried that the arrest in March 2024 of Mr Ojukwu, in particular, was most disturbing as his commando-style arrest came barely 43 hours after this year's World Press Day; and actions like this has led to international opinion rating Nigeria as one of West African's most dangerous places to practice by Reporters Without Borders;

Resolves to:

- (i) send a very strong warning to perpetrators of this unwholesomeness act and make it abundantly clear, that protecting the rights of journalists is not only important for upholding democracy but also for safeguarding the principles of free speech and human rights;
- (ii) urge the Nigeria Police and other law enforcement agencies to cautiously and

democratically rely on Section 24 of Cybercrime Act, 2015 as amended and/or charge anyone including journalists to court if they have violated any law instead of depriving them of their constitutional right;

- (iii) pass laws to strengthen press freedom protections, as well as conducts inquiries into recent cases of journalist detention, and engage in diplomatic efforts to pressure government to respect press freedom;
- (iv) mandate the Committee on National Security and Intelligence to ensure compliance (*Hon. Clement Jimbo — Abak/Etim Ekpo/Ika Federal Constituency*).

Debate.

Agreed to.

The House:

Noted that freedom of the Press is a fundamental right enshrined in Section 39 (1) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), which guarantees journalists the ability to report news without fear of arrest or persecution;

Aware that freedom of the Press as the fourth estate of the realm is a *sine qua non* of democracy, as essential ingredient for holding government accountable and ensuring transparency;

Also noted that there has been a troubling increase in the number of journalists being unlawfully arrested, detained, and harassed for carrying out their professional duties relying on the offence of Cyber-Stalking within the Cybercrimes Act, 2015;

Observed that in recent times, between 2015 and 2024 there has been incessant unwarranted arrest, unlawful detention and several other forms of harassment and intimidation meted on at least 25 journalists in the course of their duty, which is threatening the very fundamental pillar of democracy, and culminating into a breach of their constitutionally guaranteed rights to free speech;

Acknowledged that earlier this year 2024 that the President signed the Amended Act with a substantial adjustment on section 24, which listed what constitutes cyber-stalking and provided the punishment for such, while law enforcement agents neglect this aspect and continued their clampdown on free speech, and regrettably, at least 10 journalists have been arrested in the past one year and 15 of them in the last dispensation;

Concerned that apart from the arrest of journalists and its consequences, it may lead to a worsening climate for investigative and independent journalism in the country's media space, and the fourth republic democracy will be impugned by her admirers due to the excesses of those perpetuating the act of arbitrary absolutism;

Worried that the arrest in March 2024 of Mr Ojukwu, in particular, was most disturbing as his commando-style arrest came barely 43 hours after this year's World Press Day; and actions like this has led to international opinion rating Nigeria as one of West African's most dangerous places to practice by Reporters Without Borders;

Resolved to:

- (i) send a very strong warning to perpetrators of this unwholesomeness act and make it abundantly clear, that protecting the rights of journalists is not only important for

upholding democracy but also for safeguarding the principles of free speech and human rights;

- (ii) urge the Nigeria Police and other law enforcement agencies to cautiously and democratically rely on Section 24 of Cybercrime Act, 2015 as amended and/or charge anyone including journalists to court if they have violated any law instead of depriving them of their constitutional right;
 - (iii) pass laws to strengthen press freedom protections, as well as conducts inquiries into recent cases of journalist detention, and engage in diplomatic efforts to pressure government to respect press freedom;
 - (iv) mandate the Committee on National Security and Intelligence to ensure compliance (HR. 27/07/2024).
- (vii) ***Land Dispute between Obi and Otukpo Local Government Areas, Benue State:***
Hon. Evang David Agada Ogewu (*Oju/Obi 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 5 (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 5 (3) to enable it debate the matter forthwith — Agreed to.

Land Dispute between Obi and Otukpo Local Government Areas of Benue State:

The House:

Notes that Ijegwu, Opirikwu and Echori communities of Obi Local Government Area and Akpa Egede and other communities of Otukpo Local Government Area all of Benue State towards the end of 2023 engaged in communal clash as a result of land dispute, which has resulted in the loss of lives and properties worth millions of Naira;

Also notes that sometimes in May 2024, Ubajor, Ubatwe and Umajobor communities of Konshisha Local Government Area killed and rendered homeless the people of Okpenehi, Ogilewu and Imankodi communities of Oju Local Government Area of Benue State as a result of land dispute; the crises have displaced most people and houses were razed down in these communities;

Further notes that Banta community of Konshisha Local Government Area is currently engaging Ukpute community of Oju Local Government Area of Benue State again on a land dispute particularly with disagreement to boundary demarcation;

Recalls that Some time ago in a similar dispute between the Banta and Ukpute communities, Banta militias killed about twelve (12) soldiers hence the need for establishment of army forward operation base in the area;

Concerned that all these crises have caused untold hardship on the victims without shelter and food for sustenance, and they may eventually start dying of exposure to unfavourable weather and starvation;

Worried that all these crises bothered on land dispute which has to do with boundary

demarcation and that if the relevant authority in charge of boundary demarcation do not take frantic efforts to demarcate the disputed areas, in line with the existing order, the reoccurring clashes between these communities would continue unabated and lead to further loss of lives and properties;

Resolves to:

- (i) observe a minute silence in honour of those who lost their lives;
- (ii) urge the National Emergency Management Agency (NEMA) to assist in providing the people with relief materials to cushion the effect of the crises;
- (iii) also urge the Inspector-General of Police to beef up security in the Local Government Areas especially the affected communities and a military forward operation base should be established in Ukpute community of Oju Local Government Area;
- (iv) further urge the National Boundary Commission and other relevant government agencies to immediately demarcate boundary of the affected areas in line with the necessary government policies and documents;
- (v) mandate the Committees on Inter-Governmental Affairs, and Legislative Compliance to ensure compliance (*Hon. David Agada Ogewu — Oju/Obi Federal Constituency*).

Debate.

Agreed to.

The House:

Noted that Ijegwu, Opirikwu and Echori communities of Obi Local Government Area and Akpa Egede and other communities of Otukpo Local Government Area all of Benue State towards the end of 2023 engaged in communal clash as a result of land dispute, which has resulted in the loss of lives and properties worth millions of Naira;

Also noted that sometimes in May 2024, Ubajor, Ubatwe and Umajobor communities of Konshisha Local Government Area killed and rendered homeless the people of Okpenhi, Ogilewu and Imankodi communities of Oju Local Government Area of Benue State as a result of land dispute; the crises have displaced most people and houses were razed down in these communities;

Further noted that Banta community of Konshisha Local Government Area is currently engaging Ukpute community of Oju Local Government Area of Benue State again on a land dispute particularly with disagreement to boundary demarcation;

Recalled that Some time ago in a similar dispute between the Banta and Ukpute communities, Banta militias killed about twelve (12) soldiers hence the need for establishment of army forward operation base in the area;

Concerned that all these crises have caused untold hardship on the victims without shelter and food for sustenance, and they may eventually start dying of exposure to unfavourable weather and starvation;

Worried that all these crises bothered on land dispute which has to do with boundary demarcation and that if the relevant authority in charge of boundary demarcation do not take frantic efforts to demarcate the disputed areas, in line with the existing order, the reoccurring

clashes between these communities would continue unabated and lead to further loss of lives and properties;

Resolved to:

- (i) observe a minute silence in honour of those who lost their lives;
- (ii) urge the National Emergency Management Agency (NEMA) to assist in providing the people with relief materials to cushion the effect of the crises;
- (iii) also urge the Inspector-General of Police to beef up security in the Local Government Areas especially the affected communities and a military forward operation base should be established in Ukpute community of Oju Local Government Area;
- (iv) further urge the National Boundary Commission and other relevant government agencies to immediately demarcate boundary of the affected areas in line with the necessary government policies and documents;
- (v) mandate the Committees on Inter-Governmental Affairs, and Legislative Compliance to ensure compliance (**HR. 28/07/2024**).

A minute silence observed in honour of the deceased.

(viii) ***Brutal Killing and Subsequent Disregard for Constituted Authority by Chinese Company; Messrs Inter Galaxy Steel Company Limited at Umuahala, Asa in Ukwa West Local Government Area, Abia State:***

Hon. Chris Nkwonta (*Ukwa East/Ukwa West Federal Constituency and 1 other*) 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 5 (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 5 (3) to enable it debate the matter forthwith — Agreed to.

Brutal Killing and Subsequent Disregard for Constituted Authority by Chinese Company: Messrs Inner Galaxy Steel Company Limited at Umuahala, Asa in Ukwa-West Local Government Area of Abia State:

The House:

Notes that on May 20, 2024, Miss Ocheze Ogbonna, a crane operator with Inner Galaxy Steel Company Limited, was allegedly killed by a Chinese employee at the workplace. This incident is currently under investigation by the Nigeria Police Force and the House Committee on Public Petitions;

Also notes that the tragic incident resulted in a temporary breakdown of law and order, with security personnel attached to the company firing sporadically at members of the community who rushed in to intervene following the gruesome murder. Unfortunately, two persons also lost their lives from the fracas that ensued;

Aware that the entire facility was sealed by the Federal Ministry of Labour and Employment,

Occupational Safety and Health Department in compliance with the provisions of the Factories Act, Cap. F1, Laws of the Federation of Nigeria, 2004 and other Extant labour Laws pending the outcome of the investigation, as the premises had become a crime scene. Business operations at the company were halted to prevent interference with the police investigation aimed at uncovering the circumstances leading to Miss Ocheze Ogbonna's death;

Worried that the Chinese company, in blatant disregard for government authority, has proceeded to unseal the premises and continued business operations as if nothing had happened. This action shows a lack of respect for the gravity of the offense and ignores the fact that the premises were sealed for the purpose of investigation;

Also worried that if urgent action is not taken, it may lead to an imminent breakdown of law and order. Members of the community may assume that the government is complicit in the matter, as they are eager for justice to be served;

Resolves to:

- (i) urge the Inspector General of Police to urgently take action to uncover the circumstances behind the unsealing of the premises and the death of Miss Ocheze Ogbonna;
- (ii) mandate the Committee on Legislative Compliance to ensure compliance and report within two (2) weeks (*Hon. Chris Nwonta — Ukwu East/West Federal Constituency*).

Debate.

Agreed to.

The House:

Noted that on May 20, 2024, Miss Ocheze Ogbonna, a crane operator with Inner Galaxy Steel Company Limited, was allegedly killed by a Chinese employee at the workplace. This incident is currently under investigation by the Nigeria Police Force and the House Committee on Public Petitions;

Also noted that the tragic incident resulted in a temporary breakdown of law and order, with security personnel attached to the company firing sporadically at members of the community who rushed in to intervene following the gruesome murder. Unfortunately, two persons also lost their lives from the fracas that ensued;

Aware that the entire facility was sealed by the Federal Ministry of Labour and Employment, Occupational Safety and Health Department in compliance with the provisions of the Factories Act, Cap. F1, Laws of the Federation of Nigeria, 2004 and other Extant labour Laws pending the outcome of the investigation, as the premises had become a crime scene. Business operations at the company were halted to prevent interference with the police investigation aimed at uncovering the circumstances leading to Miss Ocheze Ogbonna's death;

Worried that the Chinese company, in blatant disregard for government authority, has proceeded to unseal the premises and continued business operations as if nothing had happened. This action shows a lack of respect for the gravity of the offense and ignores the fact that the premises were sealed for the purpose of investigation;

Also worried that if urgent action is not taken, it may lead to an imminent breakdown of law and order. Members of the community may assume that the government is complicit in the matter, as they are eager for justice to be served;

Resolved to:

- (i) urge the Inspector General of Police to urgently take action to uncover the circumstances behind the unsealing of the premises and the death of Miss Ocheze Ogbonna;
- (ii) mandate the Committee on Legislative Compliance to ensure compliance and report within two (2) weeks (**HR. 29/07/2024**).

6. Presentation of Bills

The following Bills were read the *First Time*:

- (1) Code of Conduct Bureau and Tribunal Act (Amendment) Bill, 2024 (HB.1373).
- (2) National Food, Road and Rural Infrastructure Development Commission (Establishment) Bill, 2024 (HB.1235).
- (3) National Institute for Technical and Vocational Education, Awka, Anambra State (Establishment) Bill, 2024 (HB.1323).
- (4) Institute of Information and Communication Technology Iwo, Osun State, (Establishment) Bill, 2024 (HB.1324).
- (5) Regulation of Casual Labour in Nigeria, Bill 2024 (HB.1325).
- (6) Dishonoured Cheques (offences) Act (Amendment) Bill, 2024 (HB.1326).
- (7) Constitution of the Federal Republic of Nigeria, 1999 (Alteration) Bill, 2024 (HB.1596).
- (8) Constitution of the Federal Republic of Nigeria, 1999 (Alteration) Bill, 2024 (HB.1578).
- (9) River Basin Development Authorities Act (Amendment) Bill, 2024 (HB.1497).
- (10) Petroleum Training Institute Act (Amendment) Bill, 2024 (HB.1595).
- (11) Constitution of the Federal Republic of Nigeria, 1999 (Alteration) Bill, 2024 (HB.1585).
- (12) Constitution of the Federal Republic of Nigeria, 1999 (Alteration) Bill, 2024 (HB.1580).
- (13) Merchant Shipping Act (Amendment) Bill, 2024 (HB.1592).
- (14) Coastal and Inland Shipping (Cabotage) Act (Amendment) Bill, 2024 (HB.1593).
- (15) Constitution of the Federal Republic of Nigeria, 1999 (Sixth Alteration) Bill, 2024 (HB.1583).
- (16) Constitution of the Federal Republic of Nigeria, 1999 (Sixth Alteration) Bill, 2024 (HB.1586).
- (17) Institute of Chartered Trustees of Nigeria (Establishment) Bill, 2024 (HB.1587).
- (18) Constitution of the Federal Republic of Nigeria, 1999 (Sixth Alteration) Bill, 2024 (HB.1588).
- (19) Nigerian Maritime Administration and Safety Agency Bill, 2024 (HB.1594).

- (20) Federal College of Education Act (Amendment) Bill, 2024 (HB.1571).
- (21) Agricultural Research Council of Nigeria Act (Amendment) Bill, 2024 (HB.1600).
- (22) Nigerian Army College of Education, Ilorin, (Establishment) Bill, 2024 (HB.1601).

7. Presentation of Reports

(i) Report of the Conference Committee:

Motion made and Question proposed, “That the House do receive and adopt the Report of the Conference Committee on a Bill for an Act to Prescribe the Salaries, Allowance and Fringe benefits of Judicial Office holders in Nigeria and for Related Matters” (*Hon. Oke Oluwole Busayo — Ibokun/Oriade Federal Constituency*).

Agreed to.

(ii) Committee on Health Institutions:

Motion made and Question proposed, “That the House do receive the Report of the Committee on Health Institutions on a Bill for an Act to Amend the Federal Medical Centres Act and Establish Federal Medical Centre Ako-Nike, Enugu State and for Related Matters (HB. 490)” (*Hon. Adedayo Adesola Samuel — Apapa Federal Constituency*).

Agreed to.

Report laid.

(iii) Committee on Health Institutions:

Motion made and Question proposed, “That the House do receive the Report of the Committee on Health Institutions on a Bill for an Act to Amend the Federal Medical Centres Act to Provide for Establishment of Federal Medical Centre, Kafanchan, Kaduna State and for Related Matters (HB. 507)” (*Hon. Adedayo Adesola Samuel — Apapa Federal Constituency*).

Agreed to.

Report laid.

(iv) Committee on Health Institutions:

Motion made and Question proposed, “That the House do receive the Report of the Committee on Health Institutions on a Bill for an Act to Amend the Federal Medical Centres Act and Establish Federal Medical Centre, Osogbo, Osun State and for Related Matters (HB. 478)” (*Hon. Adedayo Adesola Samuel — Apapa Federal Constituency*).

Agreed to.

Report laid.

(v) Committee on Health Institutions:

Motion made and Question proposed, “That the House do receive the Report of the Committee on Health Institutions on a Bill for an Act to Amend the Federal Medical Centres Act, to Provide for Establishment of Federal Medical Centre, Sisinbaki Wamba, Nasarawa State and for Related Matters (HB. 709)” (*Hon. Adedayo Adesola Samuel — Apapa Federal Constituency*).

Agreed to.

Report laid.

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

Motion made and Question proposed, “That the House do receive the Report of the Committee on Health Institutions on a Bill for an Act to Amend the University Teaching Hospitals (Reconstitution of Boards, etc.) Act, Cap. U15, Laws of the Federation of Nigeria, 2004 and for Related Matters (HB.962)” (*Hon. Adedayo Adesola Samuel — Apapa Federal Constituency*).

Agreed to.

Report laid.

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

Motion made and Question proposed, “That the House do receive the Report of the Committee on Health Institutions on a Bill for an Act to Amend the Federal Medical Centres Act and Establish the Federal Medical Centre, Ugwuaji Awkunanaw, Enugu State and for Related Matters (HB. 489)” (*Hon. Adedayo Adesola Samuel — Apapa Federal Constituency*).

Agreed to.

Report laid.

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

Motion made and Question proposed, “That the House do receive the Report of the Committee on Health Institutions on a Bill for an Act to Provide for Establishment of Federal College of Health Sciences Gaya, Kano State and Related Matters (HB. 31)” (*Hon. Adedayo Adesola Samuel — Apapa Federal Constituency*).

Agreed to.

Report laid.

8. A Bill for an Act to Repeal the Federal College of Dental Technology and Therapy Act, No. 8, 2017 and Enact the Federal University of Allied Health Sciences, Enugu, Act, 2024 to Make Comprehensive Provisions for Management and Administration of the University; and for Related Matters (HB. 249) — Third Reading

Motion made and Question proposed, “That a Bill for an Act to Repeal the Federal College of Dental Technology and Therapy Act, No. 8, 2017 and Enact the Federal University of Allied Health Sciences, Enugu, Act, 2024 to Make Comprehensive Provisions for Management and Administration of the University; and for Related Matters (HB. 249) be now read the Third Time” (*Hon. Abdullahi Ibrahim Ali — Deputy House Leader*).

Agreed to.

Bill read the Third Time and passed.

9. A Bill for an Act to Establish Nigeria French Language Village as an Inter-University Centre for French Studies and for Related Matters (HB.136) — Third Reading

Motion made and Question proposed, “That a Bill for an Act to Establish Nigeria French Language Village as an Inter-University Centre for French Studies and for Related Matters (HB.136) be now read the Third Time” (*Hon. Abdullahi Ibrahim Ali — Deputy House Leader*).

Agreed to.

Bill read the Third Time and passed.

10. **A Bill for an Act to Establish National Rice Production, Processing and Research Institute, Igbemo-Ekiti, Ekiti State and for Related Matters (HB.584) — Third Reading**
Motion made and Question proposed, “That a Bill for an Act to Establish National Rice Production, Processing and Research Institute, Igbemo-Ekiti, Ekiti State and for Related Matters (HB.584) be now read the Third Time” (*Hon. Abdullahi Ibrahim Ali — Deputy House Leader*).

Agreed to.

Bill read the Third Time and passed.

11. **A Bill an Act to Provide for Establishment of Federal University of Technology and Environmental Sciences, Iyin Ekiti, Ekiti State and for Related Matters (SB. 174) — Third Reading**
Motion made and Question proposed, “That a Bill an Act to Provide for Establishment of Federal University of Technology and Environmental Sciences, Iyin Ekiti, Ekiti State and for Related Matters (SB. 174) be now read the Third Time” (*Hon. Abdullahi Ibrahim Ali — Deputy House Leader*).

Agreed to.

Bill read the Third Time and passed.

12. **A Bill for an Act to Repeal the National Identity Management Commission Act 2007, and to provide for the Establishment of a National Identity Database and the National Identity Management Commission and for Related Matters (HB. 1281) — Second Reading**
Motion made and Question proposed, “That a Bill for an Act to Repeal the National Identity Management Commission Act 2007, and to provide for the Establishment of a National Identity Database and the National Identity Management Commission and for Related Matters (HB. 1281) be read a Second Time” (*Hon. Abdullahi Ibrahim Ali — Deputy House Leader*).

Debate.

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

Bill read the Second Time.

Bill referred to the Committee on Population.

13. **A Bill for an Act to Establish National Youths Welfare Scheme Fund to Manage and Co-ordinate Youth Welfare Service to Reduce challenges in Governance and Security in the Country and for Related Matters (HB. 04) — Second Reading**
Motion made and Question proposed, “That a Bill for an Act to Establish National Youths Welfare Scheme Fund to Manage and Co-ordinate Youth Welfare Service to Reduce challenges in Governance and Security in the Country and for Related Matters (HB. 04) be read a Second Time” (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency and 1 other*).

Debate.

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

Bill read the Second Time.

Bill referred to the Committee on Youth Development.

14. **A Bill for an Act to Provide for the Establishment of the Federal University of Technology, Badagry, Lagos State and for Related Matters (HB. 1500) — Second Reading**
Motion made and Question proposed, “That a Bill for an Act to Provide for the Establishment of the

Federal University of Technology, Badagry, Lagos State and for Related Matters (HB. 1500) be read a Second Time” (*Hon. Faleke James Abiodun — Ikeja 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 University Education.

15. A Bill for an Act to Amend Federal Medical Centres Act and Establish Federal Medical Centre, Afam Rivers State and for Related Matters (HB. 1191) — Second Reading

Motion made and Question proposed, “That a Bill for an Act to Amend Federal Medical Centres Act and Establish Federal Medical Centre, Afam Rivers State and for Related Matters (HB. 1191) be read a Second Time” (*Hon. Felix Uche Nwaeke — Eleme/Oyigbo/Tai Federal Constituency*).

Debate.

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

Bill read the Second Time.

Bill referred to the Committee on Health Institutions.

16. A Bill for an Act to Amend the Industrial Training Fund (ITF) Act, 2011 to clarify ambiguities in the Interpretation of key words in the Principal Act, define important Terms, provide clarity and Precision and enhance the Fund's Sources of Revenue and for Related Matters (HB. 1519) — Second Reading

Motion made and Question proposed, “That a Bill for an Act to Amend the Industrial Training Fund (ITF) Act, 2011 to clarify ambiguities in the Interpretation of key words in the Principal Act, define important Terms, provide clarity and Precision and enhance the Fund's Sources of Revenue and for Related Matters (HB. 1519) be read a Second Time” (*Hon. Dolapo Enitan Badru — Lagos Island II Federal Constituency and Five others*).

Debate.

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

Bill read the Second Time.

Bill referred to the Committee on Industry.

17. A Bill for an Act to Amend the Agricultural Research Council of Nigeria Act, Cap. A12, Laws of the Federation of Nigeria, 2004 to Provide for Establishment of Federal College of Agriculture and Forestry, Fika, Yobe State and for Related Matters (HB. 1023) — Second Reading

Motion made and Question proposed, “That a Bill for an Act to Amend the Agricultural Research Council of Nigeria Act, Cap. A12, Laws of the Federation of Nigeria, 2004 to Provide for Establishment of Federal College of Agriculture and Forestry Fika, Yobe State and for Related Matters (HB. 1023) be read a Second Time” (*Hon. Muhammed Buba Jajere — Fika/Fune 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 Agricultural Colleges and Institutions.

18. A Bill for an Act to Amend the Federal medical Centres Act 2023, to Establish Federal medical Centre, Epe, Lagos State and for Related Matters (HB. 1449) — Second Reading

Motion made and Question proposed, “That a Bill for an Act to Amend the Federal medical Centres Act 2023, to Establish Federal medical Centre, Epe, Lagos State and for Related Matters (HB. 1449) be read a Second Time” (*Hon. Tasir Olawale Raji — Epe 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 Health Institutions.

19. A Bill for an Act to Alter the Constitution of the Federal Republic of Nigeria, 1999 to Provide for the Creation of Etiti State out of Abia, Anambra, Ebonyi, Enugu and Imo States and for Related Matters (HB. 1525) — Second Reading

Motion made and Question proposed, “That a Bill for an Act to Alter the Constitution of the Federal Republic of Nigeria, 1999 to Provide for the Creation of Etiti State out of Abia, Anambra, Ebonyi, Enugu and Imo States and for Related Matters (HB. 1525) be read a Second Time” (*Hon. Amobi Godwin Ogah — Isuikwato/Umunneochi Federal Constituency and Four others*).

Debate.

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

Bill read the Second Time.

Bill referred to the Committee on Constitution Review.

20. A Bill for an Act to Establish Federal College of Nursing and Midwifery, Abigorodo, Delta State and for Related Matters (HB. 1307) — Second Reading

Order read; deferred by leave of the House.

21. Need to Abrogate the Federal Government Policy on Compulsory Retirement of Public Servants who have attained Eight Years as Directors in Ministries, Departments and Agencies

Motion made and Question proposed:

The House:

Aware of the Circular dated 27 July, 2023, with reference No. HCSF/SPO/268/T3/2/37, "THE REVISED PUBLIC SERVICE RULES (PSR)", issued by the Head of Service, directing public servants to comply with the Public Service Rules, 2021, Section 8 (020810) (iv) (a), which stipulates compulsory retirement for directors after eight years, whether or not the director has reached the biological retirement age of 60 years or 35 years in service is in direct conflict with the Harmonized Retirement Age for Teachers in Nigeria Act, 2022;

Notes that teachers are public servants with some as directors in the Federal Ministry of Education, it is therefore counterproductive for Directors to be compulsorily retired upon the expiration of eight (8) years in office as Directors when they have not attained the retirement age of 60 or 35 years;

Also notes that there is paucity of experienced, trained, youthful, intellectually sound and globally

exposed public servants at grade level 17 as Directors in the different Ministries, Departments and Agencies (MDAs) that drive the civil service for productivity and service;

Also aware that Directors attained their positions through years of hard work, excellence, dedication, and management skills development through local and international training using Nigerian resources;

Further notes that these cadre of Directors having built capacity in relevant arears are now facing the treat of compulsory retirement from service upon the expiration of eight (8) years in position as Directors when they have not attained the age of sixty (60) years nor thirty-five (35) years in public service, thereby robbing the nation of their years of experience, creativity, expertise, innovation, ingenuity and transformative ideas, which will negatively impact productivity in the public service and by extension, the economy;

Concerned that noncompliance with the provisions of Harmonized Retirement Age for Teachers in Nigeria Act, 2022, which provides for the retirement age for teachers as 65 years of age or attainments of 40 years in pensionable public service may have dire consequences;

Resolves to:

- (i) urge the Head of Civil Service of the Federation to with immediate effect issue a new notice or rejoinder to her previous notice of July 2023 by withdrawing the circular on the compulsory retirement of Directors upon serving for Eight (8) years; and to ensure compliance;
- (ii) mandate the Committees on Public Service Matters, and Legislative Compliance to ensure compliance (*Hon Kingsley Chinda — Obio/Akpor Federal Constituency and 2 others*).

Debate.

Amendments Proposed:

- (i) *Leave out* Prayer (i) (*Hon. Sada Soli — Jibia/Kaita Federal Constituency*).

Question that the amendment be made — Agreed to.

- (ii) In Prayer (ii), immediately after the words “Compliance to”, *leave out* the words “ensure compliance”, and *insert* the words “investigate the rationale behind the Revised Public Service Rules Section 8 (020810) (iv) (a)” (*Hon. Sada Soli — Jibia/Kaita Federal Constituency*).

Question that the amendment be made — Agreed to.

Question on the Motion as amended — Agreed to.

The House:

Aware of the Circular dated 27 July, 2023, with reference No. HCSF/SPO/268/T3/2/37, "THE REVISED PUBLIC SERVICE RULES (PSR)", issued by the Head of Service, directing public servants to comply with the Public Service Rules, 2021, Section 8 (020810) (iv) (a), which stipulates compulsory retirement for directors after eight years, whether or not the director has reached the biological retirement age of 60 years or 35 years in service is in direct conflict with the Harmonized Retirement Age for Teachers in Nigeria Act, 2022;

Noted that teachers are public servants with some as directors in the Federal Ministry of Education, it is therefore counterproductive for Directors to be compulsorily retired upon the expiration of eight (8) years in office as Directors when they have not attained the retirement age of 60 or 35 years;

Also noted that there is paucity of experienced, trained, youthful, intellectually sound and globally exposed public servants at grade level 17 as Directors in the different Ministries, Departments and Agencies (MDAs) that drive the civil service for productivity and service;

Also aware that Directors attained their positions through years of hard work, excellence, dedication, and management skills development through local and international training using Nigerian resources;

Further noted that these cadre of Directors having built capacity in relevant areas are now facing the treat of compulsory retirement from service upon the expiration of eight (8) years in position as Directors when they have not attained the age of sixty (60) years nor thirty-five (35) years in public service, thereby robbing the nation of their years of experience, creativity, expertise, innovation, ingenuity and transformative ideas, which will negatively impact productivity in the public service and by extension, the economy;

Concerned that noncompliance with the provisions of Harmonized Retirement Age for Teachers in Nigeria Act, 2022, which provides for the retirement age for teachers as 65 years of age or attainments of 40 years in pensionable public service may have dire consequences;

Resolved to:

Mandate the Committees on Public Service Matters and Legislative Compliance to investigate the rationale behind the Revised Public Service Rules Section 8 (020810) (iv) (a) **(HR. 30/07/2024)**.

22. Need to Rehabilitate and Adequately Equip Ahmadu Bello University Teaching Hospital, Shika, Zaria and National Eye Centre, Kaduna

Motion made and Question proposed:

The House:

Notes that the Ahmadu Bello University Teaching Hospital, Shika, Zaria, Kaduna and the National Eye Centre, Kaduna (Institute of Ophthalmology) were established to provide specialist medical attention to the sick, train medical personnel, and undertake research for the advancement of medical knowledge;

Concerned that the Hospital, which caters for patients from Kaduna and neighbouring states, is overstretched and lacks adequate equipment to function optimally, especially in critical units such as the Accident and Emergency (A&E) section;

Also concerned that the Ahmadu Bello University Teaching Hospital, Shika, Zaria, which was widely reputed for excellence is currently in a deplorable state and may soon become moribund as most of the equipment are obsolete and non-functional;

Worried that considering the rising cases of Eye diseases in the country and the need to fully rehabilitate the National Eye Centre, Kaduna and complete Phase II of the Eye Centre as assigned in the original master plan and also the inadequacy of specialized care for such cases in public hospitals, patients are often referred to private hospitals, which they mostly cannot afford; hence, the increasing death rate;

Also worried at the increasing rates of diseases at the Ahmadu Bello University Teaching Hospital Shika Zaria due to lack of adequate doctors and hospital equipments;

Further worried about the shortage of experts such as cardiovascular percussionists, anaesthetists and heart surgeons in Ahmadu Bello University Teaching Hospital, Shika, Zaria, Kaduna, and full rehabilitation and equipping of the National Eye Center Kaduna (Institute of Ophthalmology);

Aware that the National Eye Centre, Kaduna is reputed to be one of the best in West Africa and needs urgent care and attention;

Resolves to:

- (i) urge the Federal Ministry of Health and Social Development to rehabilitate, adequately equip, and recruit qualified personnel for efficient operations at the Ahmadu Bello University Teaching Hospital, Shika, Zaria, Kaduna, and complete Phase II of the National Eye Centre, Kaduna Institute of Ophthalmology);
- (ii) also urge the Federal Government to prepare an emergency 2024 supplementary budget estimates for the rehabilitation of Ahmadu Bello University Teaching Hospital, Zaira and completion of the phase two of National Eye Centre, Kaduna by 2025;
- (iii) mandate the Committees on Health Institutions, and Specialty Healthcare to conduct needs assessment of the Ahmadu Bello University Teaching Hospital, Shika, Zaria, Kaduna, and the National Eye Centre, Kaduna (Institute of Ophthalmology) and report within four (4) weeks (*Hon. Hussaini Muhammed Jallo — Igabi Federal Constituency*).

Agreed to.

(HR. 31/07/2024).

Motion referred to the Committees on Health Institutions, and Specialty Healthcare, pursuant to Order Eight, Rule 10 (5).

23. Need to Employ the Use of Modern Technology to Secure the Nation's Borders

Motion made and Question proposed:

The House:

Notes that there are over three hundred and twenty (320) illegal routes into Nigeria that serve as horrendous channels for the influx of inadmissible aliens and goods;

Also notes that Nigeria at the moment lacks sufficient security personnel to safeguard the existing illegal routes across the borders;

Further notes that the unmanned routes provide avenues for insecurity, proliferation of arms, and dumping of unwholesome goods into the country;

Report laid.

Concerned that the porous borders have provided an impetus to the thriving drug and human trafficking routes all over the country;

Report laid.

Aware that border policing has since shifted from the mundane use of only human beings to the deployment of sophisticated electronic based equipment for potency;

Also aware that the deployment of technologies like electronic sensors, video monitors, and night vision scopes to detect illegal entries has proved more effective in western countries than human security;

Further aware that more advanced technologies such as artificial intelligence, (drones) and dark fighter cameras are available to further enhance border controls;

Resolves to:

- (i) urge the Nigeria Customs Service to beef up the nation's border security with modern technological gadgets;

- (ii) mandate the Committees on National Security and Intelligence and Customs and Excise to interface with the relevant agencies of the Executive Arm to ensure implementation and report within four (4) weeks; and
- (iii) also mandate the Committee on Legislative Compliance to ensure compliance (*Hon. Oby Lilian Orogbu — Awka North/Awka South Federal Constituency*).

Debate.

Amendments Proposed:

- (i) In Prayer (i), immediately after the word “Service”, *insert* the words “and Nigeria Immigration Service” (*Hon. Ahmadu Usman Jaha — Chibok/Damboa/Gwoza Federal Constituency*).

Question that the amendment be made — Agreed to.

- (ii) *Leave out* Prayers (ii) and (iii), and *insert* as follows:
“mandate the Committees on Customs and Excise, Interior and Legislative Compliance to interface with the relevant Government Agencies to ensure compliance and report within four (4) weeks” (*Hon. Ahmadu Usman Jaha — Chibok/Damboa/Gwoza Federal Constituency*).

Question that the amendment be made — Agreed to.

Question on the Motion as amended — Agreed to.

The House:

Noted that there are over three hundred and twenty (320) illegal routes into Nigeria that serve as horrendous channels for the influx of inadmissible aliens and goods;

Also noted that Nigeria at the moment lacks sufficient security personnel to safeguard the existing illegal routes across the borders;

Further noted that the unmanned routes provide avenues for insecurity, proliferation of arms, and dumping of unwholesome goods into the country;

Concerned that the porous borders have provided an impetus to the thriving drug and human trafficking routes all over the country;

Aware that border policing has since shifted from the mundane use of only human beings to the deployment of sophisticated electronic based equipment for potency;

Also aware that the deployment of technologies like electronic sensors, video monitors, and night vision scopes to detect illegal entries has proved more effective in western countries than human security;

Further aware that more advanced technologies such as artificial intelligence, (drones) and dark fighter cameras are available to further enhance border controls;

Resolved to:

- (i) urge the Nigeria Customs Service, and Nigeria Immigration Service to beef up the nation's border security with modern technological gadgets;
- (ii) mandate the Committees on Customs and Excise, Interior, and Legislative Compliance to interface with the relevant Government Agencies to ensure compliance and report within four (4) weeks (**HR. 32/07/2024**).

24. Call to Revisit School Feeding Policy

Motion made and Question proposed:

The House:

Notes that Nigeria's National Home-Grown School Feeding Programme (NHGSFP) was a pilot programme launched in 2004 targeting 12 States to provide a nutritious midday meal to public primary school pupils in the country;

Also notes that in 2016, the programme was relaunched nationally, targeting public primary school children using locally sourced ingredients to improve health, stimulate agricultural production, and boost smallholder farmers' income;

Aware that the philosophy behind the NHGSFP is to encourage enrollment into the public primary schools, address childhood hunger pangs, and improve their ability to concentrate, learn, and increase school attendance;

Also aware that the program aims to create a positive association between school and a basic need, nutrition, which is essential for children's well-being. It aims to increase enthusiasm for school attendance and motivate families to prioritize their children's education, this positive association can lead to improved attendance, academic performance, and overall educational outcomes;

Concerned that the suspension of the NHGSFP by the current administration is unsettling for several reasons, namely reduced school enrollment and attendance, compromised health and cognitive development of the children, and disruption of the income of smallholder farmers;

Recognizes that addressing the programme's challenges is crucial, but a complete suspension may cause more harm, therefore, it is important to find alternative solutions or efficient implementation of the NHGSFP to ensure Nigerian children continue to benefit from this important initiative;

Worried that the cancellation of the program is causing an upsurge in the number of out-of-school children, posing a threat to the country's future and leading to a high rate of crimes, insecurity, and unemployment;

Resolves to:

- (i) urge the Federal Government to revisit the school feeding programme in all Public Primary Schools in Nigeria; and
- (ii) mandate the Committees on Special Duties and Finance to invite the Hon. Ministers of Special Duties and Inter-Governmental Affairs, Education, and Finance to revisit the program and propose solutions for its future success (*Hon. Mukhtar Umar Zakari — Tarauni Federal Constituency*).

Debate.

Amendments Proposed:

- (i) In Prayer (i), immediately after the word "Government", *insert* the words "and Ministry of Humanitarian Affairs, Disaster Management and Social Development" (*Hon. Bello Isah Ambarura — Illela/Gwadabawa Federal Constituency*).

Question that the amendment be made — Agreed to.

- (ii) In Prayer (ii), immediately after the words "Committees on", *insert* the words "Nutrition and Food Security" (*Hon. Chike John Okafor — Ehime Mbano/Ihite-Uboma/Obowo Federal Constituency*).

Question that the amendment be made — Agreed to.

- (iii) *Leave out* all the words in Prayer (ii) as amended, and *insert* as follows:
“mandate the Committees on Nutrition and Food Security, Special Duties, and Finance to investigate the reason for the stoppage of the school feeding programme” (*Hon. Philip Agbese — Ado/Ogabdigbo/Okpokwu Federal Constituency*).

Question that the amendment be made — Agreed to.

Question on the Motion as amended — Agreed to.

The House:

Noted that Nigeria's National Home-Grown School Feeding Programme (NHGSFP) was a pilot programme launched in 2004 targeting 12 States to provide a nutritious midday meal to public primary school pupils in the country;

Also noted that in 2016, the programme was relaunched nationally, targeting public primary school children using locally sourced ingredients to improve health, stimulate agricultural production, and boost smallholder farmers' income;

Aware that the philosophy behind the NHGSFP is to encourage enrollment into the public primary schools, address childhood hunger pangs, and improve their ability to concentrate, learn, and increase school attendance;

Also aware that the program aims to create a positive association between school and a basic need, nutrition, which is essential for children's well-being. It aims to increase enthusiasm for school attendance and motivate families to prioritize their children's education, this positive association can lead to improved attendance, academic performance, and overall educational outcomes;

Concerned that the suspension of the NHGSFP by the current administration is unsettling for several reasons, namely reduced school enrollment and attendance, compromised health and cognitive development of the children, and disruption of the income of smallholder farmers;

Recognized that addressing the programme's challenges is crucial, but a complete suspension may cause more harm, therefore, it is important to find alternative solutions or efficient implementation of the NHGSFP to ensure Nigerian children continue to benefit from this important initiative;

Worried that the cancellation of the program is causing an upsurge in the number of out-of-school children, posing a threat to the country's future and leading to a high rate of crimes, insecurity, and unemployment;

Resolved to:

- (i) urge the Federal Government, and Ministry of Humanitarian Affairs to revisit the school feeding programme in all Public Primary Schools in Nigeria; and
- (ii) mandate the Committees on Nutrition and Food Security, Special Duties, and Finance to investigate the reason for the stoppage of the school feeding programme (**HR. 33/07/2024**).

25. Need to Dredge River Benue to Curb Perennial Flooding

Motion made and Question proposed:

The House:

Notes that the River Benue is one of the two major rivers in Nigeria, a tributary into the River Niger,

stretching approximately 1,400 KM and a vital transportation route, water source for irrigation, drinking, and domestic use, supporting agriculture, fishing, and economic activities;

Also notes that National Emergency Management Agency (NEMA) conducted a "disaster risk management analysis" and advised Ministries, Departments and Agencies (MDAs) to take proactive steps to mitigate climate change and advised that water bodies across some states be desilted and dredged regularly to make them available for various purposes and conduct routine monitoring to ensure that the rule curve for reservoirs is adhered to;

Further notes that the former Minister of Transportation informed the Senate Committee on Marine Transport in 2017 that the Federal Government had awarded a contract for the dredging of the River Benue, but nothing has been done;

Aware that in October 2022, farmers in Adamawa State struggled to clear off remnants of crops destroyed by flood along the River Benue Valley;

Worried that the flood disrupted communities across Nigeria, with hundreds of villages and urban centers totally submerged, over 2.4 million people were displaced, over 600 fatalities recorded, and expansive hectares of farmland across the affected states were swept away. Similarly, over thirteen local governments, including Makurdi and Buruku, were affected by floods emanating from the overflow of the River Benue;

Also aware that the worst hit are the agrarian communities hosting the major tributaries of the Benue River that cut across seven of the twenty-three local governments in the state; twelve local government areas were totally submerged, and over 82,000 people were affected, 50 people injured, and 27 deaths, farmlands worth billions were destroyed;

Observes that the UN's International Organization for Migration (IOM) noted that floods as a result of heavy downpours have displaced a lot of people, and the already displaced living in IDP camps are being displaced by floods;

Worried that every year, Lagdo Dam in Cameroon is opened to free excess water, which then flows through the River Benue, causing flooding in communities located along the river basin and also the major road from Makurdi to Gboko, where whole houses on that road are totally submerged, as well as farming communities along the road destroying houses and property worth billions of Naira;

Also worried that in October 2022, the flooding of the river caused an increase in the population of venomous snakes in the Duguri District, Alkaleri Local Government Area of Bauchi State. A July 2013 report indicates that over 200 people in the district died of snake bites. The situation is similar in Benue State, where over 70 persons died, which warranted the Catholic Dioceses of Makurdi, in partnership with the State Government (former Governor Samuel Ortom), to institute a fund to treat victims of snake bites, over 3000 persons have been treated so far.

Concerned that if the River Benue is not dredged, the yearly flood occurrences as a result of heavy downpours and the release of water from Lagdo Dam will continue to hit the communities around the river basins, thereby destroying farmlands as well as sacking whole communities, and this will cause food and humanitarian crises and also expose the people to the risks of waterborne diseases.

Resolves to:

- (i) urge the Federal Ministries of Water Resources, Environment, and Transportation through the National Inland Water Ways Authority (NIWA), Ecological Fund office, and Hydroelectric Power Producing Areas Development Commission (HYPADEC) to immediately dredge the River Benue;
- (ii) mandate the Committee on Emergency and Disaster Preparedness to liaise with NEMA and

the Ministry of Humanitarian Affairs, Disaster Management and Social Development to compensate and rehabilitate those affected by flooding;

- (iii) also mandate the Committees on Water Resources, Inland Waterways, Transport, Ecological Fund, and Hydrological Development to liaise with the Ministry of Water Resources, Ministry of Environment, and Ministry of Transportation through the National Inland Water Ways Authority (NIWA) and HYPADDEC to ensure compliance (*Hon. Sekav Dzua Iyortyom — Buruku Federal Constituency*).

Debate.

Amendment Proposed:

In Prayer (iii), immediately after the word “Hydrological Development”, *insert* the words “and Climate Change” (*Hon. Chris Nkwonta — Ukwa East/Ukwa West Federal Constituency*).

Question that the amendment be made — Agreed to.

Question on the Motion as amended — Agreed to.

The House:

Noted that the River Benue is one of the two major rivers in Nigeria, a tributary into the River Niger, stretching approximately 1,400 KM and a vital transportation route, water source for irrigation, drinking, and domestic use, supporting agriculture, fishing, and economic activities;

Also noted that National Emergency Management Agency (NEMA) conducted a "disaster risk management analysis" and advised Ministries, Departments and Agencies (MDAs) to take proactive steps to mitigate climate change and advised that water bodies across some states be desilted and dredged regularly to make them available for various purposes and conduct routine monitoring to ensure that the rule curve for reservoirs is adhered to;

Further noted that the former Minister of Transportation informed the Senate Committee on Marine Transport in 2017 that the Federal Government had awarded a contract for the dredging of the River Benue, but nothing has been done;

Aware that in October 2022, farmers in Adamawa State struggled to clear off remnants of crops destroyed by flood along the River Benue Valley;

Worried that the flood disrupted communities across Nigeria, with hundreds of villages and urban centers totally submerged, over 2.4 million people were displaced, over 600 fatalities recorded, and expansive hectares of farmland across the affected states were swept away. Similarly, over thirteen local governments, including Makurdi and Buruku, were affected by floods emanating from the overflow of the River Benue;

Also aware that the worst hit are the agrarian communities hosting the major tributaries of the Benue River that cut across seven of the twenty-three local governments in the state; twelve local government areas were totally submerged, and over 82,000 people were affected, 50 people injured, and 27 deaths, farmlands worth billions were destroyed;

Observed that the UN's International Organization for Migration (IOM) noted that floods as a result of heavy downpours have displaced a lot of people, and the already displaced living in IDP camps are being displaced by floods;

Worried that every year, Lagdo Dam in Cameroon is opened to free excess water, which then flows through the River Benue, causing flooding in communities located along the river basin and also the major road from Makurdi to Gboko, where whole houses on that road are totally submerged, as well as farming communities along the road destroying houses and property worth billions of Naira;

Also worried that in October 2022, the flooding of the river caused an increase in the population of venomous snakes in the Duguri District, Alkaleri Local Government Area of Bauchi State. A July 2013 report indicates that over 200 people in the district died of snake bites. The situation is similar in Benue State, where over 70 persons died, which warranted the Catholic Dioceses of Makurdi, in partnership with the State Government (former Governor Samuel Ortom), to institute a fund to treat victims of snake bites, over 3000 persons have been treated so far.

Concerned that if the River Benue is not dredged, the yearly flood occurrences as a result of heavy downpours and the release of water from Lagdo Dam will continue to hit the communities around the river basins, thereby destroying farmlands as well as sacking whole communities, and this will cause food and humanitarian crises and also expose the people to the risks of waterborne diseases.

Resolved to:

- (i) urge the Federal Ministries of Water Resources, Environment, and Transportation through the National Inland Water Ways Authority (NIWA), Ecological Fund office, and Hydroelectric Power Producing Areas Development Commission (HYPADEC) to immediately dredge the River Benue;
- (ii) mandate the Committee on Emergency and Disaster Preparedness to liaise with NEMA and the Ministry of Humanitarian Affairs, Disaster Management and Social Development to compensate and rehabilitate those affected by flooding;
- (iii) also mandate the Committees on Water Resources, Inland Waterways, Transport, Ecological Fund, Hydrological Development, and Climate Change to liaise with the Ministry of Water Resources, Ministry of Environment, and Ministry of Transportation through the National Inland Water Ways Authority (NIWA) and HYPADEC to ensure compliance (**HR. 34/07/2024**).

26. Call to Combat a Perennial Flooding and Ravaging Gully Erosion in Dekina Local Government Area, Kogi State

Motion made and Question proposed:

The House:

Notes that the Dekina Local Government is a major Political, Educational and Socio-Economic nerve centre in Kogi State, which adjourns four (4) other Local Governments like Bassa, Ofu, Omala and Ankpa Local Government respectively and serves as a gateway and transit route from Omala and Bassa Local Government Area;

Also notes that the incessant menace of flooding and erosion in Dekina Local Government has been a long standing and nagging issue that has plagued Dekina Local Government for over a decade, thus causing loss of lives and property and affected the socio-economic activities of the people; the worst hit areas being Anyigba, Iyale, Odu and Dekina towns;

Worried that as raining season intensify, flooding and gully erosion would escalate due to inadequate drainages, poor urban planning, and climate change impact, requiring urgent intervention and sustainable solutions;

Resolves to:

- (i) urge the Executive Arm of Government to:
 - (a) urgently establish an Inter-Agency task force comprising of representatives from the Ministry of Environment, Ministry of Water Resources, Ministry of Works and Housing, National Emergency Management Agency (NEMA), to coordinate efforts and execute comprehensive flood and erosion management strategies,

- (b) implement a community-based initiative, including public awareness campaigns, community training on disaster preparedness and nature-based solutions such as afforestation, watershed management and sustainable land use practices to enhance resilience against flooding and erosion hazards in Dekina Local Government Area;
- (ii) also urge the National Emergency Management Agency (NEMA) and Ecological Fund Office to allocate resources for the immediate implementation of flood control and erosion mitigation measures in Dekina Local Government Area;
- (iii) mandate the Committees on Environment, Works, Water Resources, and Ecological Fund to:
 - (a) monitor the implementation, progress of the proposed intervention, ensure completion of the projects and to report within four (4) weeks, and
 - (b) transmit the resolution to the Executive Governor of Kogi State, Minister of Environment, Minister of Water Resources, Minister of Works, the Director General National Emergency Management Agency (NEMA), for consideration and necessary action (*Hon. Haruna Paul Gowon — Bassa/Dekina Federal Constituency*).

Agreed to.

(HR. 35/07/2024).

Motion referred to the Committees on Environment, Works, Water Resources, and Ecological Fund, pursuant to Order Eight, Rule 10 (5).

27. Clarion call to Review the 2024 JAMB Results and the Entire Education Curriculum

Order read; withdrawn by leave of the House.

28. Consideration of Reports

- (i) ***A Bill for an Act to Establish Chartered Institute of Human Capital Development of Nigeria to make Provisions, amongst other things, for Membership and Control of the Profession of Human Capital Development and for Related Matters (HB.1261) (Committee of the Whole):***

Motion made and Question proposed, “That the House do consider the Report on a Bill for an Act to Establish Chartered Institute of Human Capital Development of Nigeria to make Provisions, amongst other things, for Membership and Control of the Profession of Human Capital Development and for Related Matters (HB.1261)” (Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency).

Agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO ESTABLISH THE CHARTERED INSTITUTE OF HUMAN CAPITAL DEVELOPMENT OF NIGERIA TO MAKE PROVISIONS, AMONGST OTHER THINGS, FOR MEMBERSHIP AND CONTROL OF THE PROFESSION OF HUMAN CAPITAL DEVELOPMENT; AND FOR RELATED MATTERS (HB.1261)

PART I — ESTABLISHMENT OF THE CHARTERED INSTITUTE
OF HUMAN CAPITAL DEVELOPMENT OF NIGERIA

Clause 1: Establishment of the Chartered Institute of Human Capital Development of Nigeria.

- (1) There is established the Chartered Institute of Human Capital Development of Nigeria (in this Bill referred to as "the Institute") which —
 - (a) shall be a body corporate with perpetual succession, and a common seal which shall be kept in such custody as the Council may direct;
 - (b) may sue and be sued in its corporate name; and
 - (c) may acquire, hold and dispose of any property, moveable or immovable.
- (2) The Institute shall —
 - (a) determine the level of knowledge and skills to be attained by persons seeking to become members of the profession and review such standards as may be required;
 - (b) establish and maintain a register of members and publish the register in line with the provisions of this Bill;
 - (c) regulate the practice of Human Capital Development in Nigeria in all its ramifications; and
 - (d) perform all other functions conferred on the Council under this Bill (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 2: Membership of the Institute.

- (1) Subject to section 12 of this Bill, a person admitted to membership of the Institute shall be registered as a member of the profession in the category of —
 - (a) Fellows;
 - (b) Full Members;
 - (c) Associate Members;
 - (d) Graduate Members;
 - (e) Student Members; or
 - (f) Corporate or Institutional Members.
- (2) Every member of the Institute in all the categories listed in subsection (1) shall attend Mandatory Continuous Professional Training Programme (MCPTP) as specified by the Council for reorientation and development processes (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 3: Membership privileges.

- (1) A member of the Institute is entitled to receive from the Council, a certificate in such form as the Council may approve for that purpose.
- (2) A member is entitled to use such letters after his name as may be authorised by the Council and, if registered into the category of —
 - (a) Fellows, he shall use the initials, "FCIHCD";
 - (b) Full Members, he shall use the initials, "MCIHCD"; and
 - (c) Associate Members, he shall use the initials, "ACIHCD" (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 4 Principal officers of the Institute and their responsibilities.

- (1) The principal officers of the Institute are the —
 - (a) President;
 - (b) Deputy President; and
 - (c) National Treasurer.
- (2) The principal officers shall —
 - (a) be members of the Institute;
 - (b) be elected at the Annual General Meeting (AGM) of the Institute; and
 - (c) hold office each for a term of two years and may be eligible for re-election for one further term of two year and no more.
- (3) The President shall be the Chairman at the meetings of the Institute and, in the event of the death, incapacitation or inability for any reason of the President to perform the functions of his office, the Deputy President shall act in his place for the unexpired period of the term of office or as the case may require, and any reference in this Bill to the President shall be construed accordingly.
- (4) The President, Deputy President, and the National Treasurer shall be the Chairman, Deputy Chairman and the Treasurer of Council respectively.
- (5) If the President, the Deputy President, or the National Treasurer ceases to be a member of the Institute, he shall cease to hold any office designated under this section (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 5: Establishment of the Governing Council.

- (1) There is established for the Institute a Governing Council (in this Bill referred to as "the Council") charged with responsibility for the administration and general management of the Institute.
- (2) The Council shall consist of —
 - (a) the President of the Institute as Chairman;
 - (b) the Deputy President of the Institute as Vice-Chairman;
 - (c) the Treasurer;
 - (d) the Registrar as Secretary;
 - (e) one person, representing the Federal Ministry of Education;
 - (f) five members who are Heads of Service of States and nominated by the Council for two years;
 - (g) three educational and training institutions nominated by the Council;
 - (h) Chairman, Board of Fellows; and
 - (i) the immediate past President of the Institute and Chairman of the Council.
- (3) The provisions of the First Schedule to this Bill shall have effect with respect to the qualifications and tenure of office of members of the Council and other matters mentioned in the First Schedule (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 6: Board of Fellows.

- (1) There shall be appointed annually by the Council a Board of Fellows to coordinate the activities of Fellows of the Institute and to recommend to the Council on a yearly basis admission of members to the membership category of Fellows.
- (2) The Board of Fellows shall consist of persons who have been duly elected as Fellows of the Institute (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

PART II — FINANCIAL PROVISIONS**Clause 7: Fund of the Institute.**

- (1) There is established a fund of the Institute (in this Bill referred to as "the Fund") into which shall be paid all —
 - (a) fees and other money payable to the Institute under this Bill; and
 - (b) revenue from other sources both local and international.

- (2) There shall be paid out of the Fund —
- (a) all expenditure incurred by the Council in the discharge of its functions under the Act;
 - (b) the remuneration and other allowances of the Registrar and other staff of the Institute; and
 - (c) such reasonable traveling and subsistence allowances of members of the Council in respect of the time spent on the duties of the Council as the Council may determine.
- (3) The Council may invest money in any bond or other security created, issued by, or guaranteed on behalf of the Federal Government or in any other securities in Nigeria approved by the Council (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 8: Power to borrow.

The Council may borrow money for the purpose of the Institute and any interest payable on the money borrowed shall be paid out of the Fund of the Institute (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 9: Accounts and audit.

- (1) The Council shall —
- (a) keep proper accounts on behalf of the Institute in respect of each year and proper records in relation to those accounts; and
 - (b) cause the accounts to be audited by an auditor appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.
- (2) The report of the audited accounts shall be submitted to the members of the Institute for their approval at a meeting of the Institute.
- (3) The auditor appointed for the purpose of this section shall not be a member of the Council (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

PART III — REGISTRAR AND THE REGISTER

Clause 10: Appointment, duties and responsibility of the Registrar.

- (1) The Council shall appoint a fit and proper person as the Registrar of the Institute for the purpose of this Bill.
- (2) The Registrar shall be a —
- (a) financial member of the Institute; and
 - (b) Fellow of the Institute.

- (3) The Registrar shall be the Chief Executive of the Institute and Secretary to the Council.
- (4) The Registrar shall prepare and maintain, in accordance with the rules made by the Council under subsection (5), a register of names, addresses, approved qualifications and other relevant requirements as may be specified, for all persons who are enrolled as Fellows, Full Members, Associate Members, Graduate Members and Student Member of the Institute.
- (5) The Council shall make rules as to the form and keeping of the register and the making of entries, in particular for —
 - (a) application for enrolment;
 - (b) determining the qualification which is relevant to the profession and accepted for the purpose of this Bill; and
 - (c) specifying the fees and subscription to be paid to the Institute in respect of the entry of names into the register and authorising the Registrar to refuse to enter any name until a specified fee is paid (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 11: Publication of register and list of corrections.

- (1) The Registrar shall —
 - (a) correct in accordance with the Council's direction, any entry in the register which the Council directs him to correct as being in the Council's opinion an entry which is incorrectly made;
 - (b) make any alterations in the registered particulars of registered members;
 - (c) remove from the register, the name of a registered member who has died or a person whose name is directed to be struck off as a result of disciplinary action;
 - (d) record the names of members of the Institute who are in default for more than four years in the payment of annual subscription and to take such actions as may be deemed fit under this Bill;
 - (e) cause the register to be printed, published and put on sale to members of the public not later than two months from the commencement of this Bill;
 - (f) subsequently, in each year after the year in which the register is first published under paragraph (e), cause to be printed, published and put on sale either a corrected edition of the register or a list of corrections made to the register since it was last printed;
 - (g) cause a print of each edition of the register and of its list of corrections to be deposited at the principal office of the Institute; and
 - (h) keep the register and list so deposited and make the register and list

available, at all reasonable times, for inspection by members of the public, either physically or virtually through an internet portal.

- (2) A document purporting to be a print of an edition of the register published under this section by authority of the Registrar, or document purporting to be print of an edition so published, shall without prejudice to any other mode of proof, be admissible in any proceeding as evidence that any person specified in the documents read together, as being registered was so registered at the date of the edition or of the list of corrections as the case may be, and that any person not so specified was not so registered.
- (3) Where a person is, in any proceeding, shown to have been or not to have been registered at a particular date, he shall, unless the contrary is proved, be taken for the purpose of those proceedings as having at all material times thereafter continued to be, or not to be, so registered (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 12: Qualification for membership.

- (1) Subject to this Bill, an individual is eligible to be registered as a public administrator if he —
 - (a) passes the qualifying examination accepted by the Council;
 - (b) completes the practical training prescribed by the Institute under this Bill;
 - (c) holds any other qualification accepted by the Institute; or
 - (d) qualifies for enrolment as a member in any of the categories specified for the purpose of this Bill.
- (2) An applicant shall, in addition to evidence of qualification, satisfy the Council that he —
 - (a) is of good character;
 - (b) has attained the age of 21 years; and
 - (c) has not been convicted by any court of law in Nigeria or elsewhere for an offence involving fraud or dishonesty (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 13: Approval of qualification.

- (1) The Council shall publish particulars of qualifications accepted by the Council for registration.
- (2) The Council shall approve any institution for the purpose of this Bill, and may for such purpose approve —
 - (a) any course of training at an approved institution which is intended for persons seeking to become or are already public administrators of Nigeria practitioners and which the Council considers as designed

to confer on persons relevant and sufficient knowledge and skills for admission into the Institute; or

- (b) any qualification which, as a result of an examination taken in conjunction with a course of training approved by the Council under this section, is granted to candidates reaching a standard at the examination indicating in the opinion of the members of the Council, that the candidates have sufficient knowledge and skill to practice the profession.
- (3) The Council may, if it deems fit, withdraw any approval given under this section in respect of any course, qualification or institution, but before withdrawing the approval, the Council shall —
 - (a) give notice that it proposes to withdraw the approval to each person in Nigeria appearing to the Council to be a person by whom the course is conducted or the qualification is granted or the institution is controlled, as the case may be;
 - (b) give the person an opportunity of making representation to the Council with regard to the proposal; and
 - (c) take into consideration any representation made in respect of the proposal.
- (4) Any period during which the approval of the Council under this section for a course, qualification or institution is withdrawn, the course, qualification or institution shall not be treated as approved under this section, but the withdrawal of such an approval shall not prejudice the registration or eligibility for registration of any person who by virtue of the approval was registered or eligible for registration immediately before the approval was withdrawn.
- (5) The giving or withdrawal of an approval under this section shall have effect from such date, either before or after the execution of the instrument signifying the giving or withdrawal of the approval, as the Council may specify in that instrument, and the Council shall —
 - (a) publish, as soon as possible, a copy of every such instrument in the print media; and
 - (b) not later than seven days before its publication, send a copy of the instrument to the Minister.
- (6) The members of the Council shall keep themselves informed of the nature of the —
 - (a) instruction given at approved institutions to persons attending approved courses of training, and
 - (b) examination as a result of which approved qualifications are granted,

and for the purpose of performing that duty, the Council may appoint, either from among its own member or otherwise, persons to visit approved institutions, or to attend such examinations (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

PART IV — MISCELLANEOUS PROVISIONS

Clause 14: Visitation Panel.

- (1) The Council shall set up a Visitation Panel which shall report to the Council on —
 - (a) the sufficiency of the instruction given to persons attending the approved course of training at the institution visited;
 - (b) the sufficiency of the examinations attended; and
 - (c) any other matter relating to the institution or examination on which the Council may, either generally or in a particular case, request the Visitation Panel to report,but the Visitation Panel shall not interfere with the giving of any instruction or the holding of any examination.
- (2) On receiving a report made under this section, the Council may, if it deems fit, and shall, if so required by the Institute, send a copy of the report to the person appearing to the Council to be in charge of the institution or responsible for the examination to which the report relates, requesting that person to make observations on the report to the Council within the period as may be specified in the request, not being less than one month beginning with the date of request (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 15: Establishment of an Investigating Panel and Disciplinary Tribunal.

- (1) There is established the Chartered Institute of Human Capital Development of Nigeria Investigating Panel (in this Bill referred to as "the Panel"), charged with the duty of —
 - (a) conducting preliminary investigation into any case where it is alleged that a person registered has misbehaved in that person's capacity as member or shall for any other reason, be subject of proceedings before the Tribunal; and
 - (b) deciding whether the case may be referred to the Tribunal.
- (2) The members of the Panel shall be appointed by the Council and shall consist of two members of the Council and three registered members who are not members of the Council.
- (3) There is established the Chartered Institute of Human Capital Development of Nigeria Disciplinary Tribunal (in this Bill referred to as "the Tribunal") charged with the duty of considering and determining any case referred to it by the Panel established under subsection (1) of this section.
- (4) The Tribunal shall consist of the Chairman of the Council and six other members appointed by the Council, one of whom may be a legal practitioner with at least 10 years post call experience.

- (5) The provisions of the Third Schedule to this Bill shall, so far as applicable to the Tribunal and Panel respectively, have effect with respect to those bodies (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 16: Penalties for unprofessional conduct.

- (1) Where —
- (a) a member is adjudged by the Tribunal to be guilty of infamous conduct in any professional respect;
 - (b) a member is convicted by any court of law in Nigeria or elsewhere, having powers to award imprisonment for an offence, whether or not punishable with imprisonment, which, in the opinion of the Tribunal, is incompatible with the status of a professional Human Capital Development consultant; or
 - (c) the Tribunal is satisfied that the name of any person has been fraudulently registered,
- the Tribunal may, if it deems fit, give a direction reprimanding that person or ordering the Registrar to strike his name off the register.
- (2) The Tribunal may, if it deems fit, defer its decision as to the action taken under subsection (1) until a subsequent meeting of the Tribunal, but no —
- (a) decision shall be deferred under this provision for a period exceeding one year; and
 - (b) person shall be a member of the Tribunal for the purpose of reaching a verdict on a deferred or further deferred decision unless he was present as a member of the Tribunal when the decision was deferred.
- (3) For the purpose of subsection (1) (b) of this section, a person shall not be treated as a convict unless the conviction stands at a point where no appeal or further appeal is pending or may, without extension of time, be brought in connection with the conviction.
- (4) When the Tribunal gives a directive for the purpose of effecting penalties for unprofessional conduct, the Tribunal shall cause notice of the directive to be served on the person to whom it relates.
- (5) The person to whom such a directive relates, at any time within 28 days from the date of service on him of notice of the directive, may appeal against the directive to the Federal High Court and the Tribunal may appear as respondent to the appeal and, for the purpose of enabling directive to be given as to the costs of the appeal and proceeding before the Federal High Court, the Tribunal shall be deemed to be a party to the appeal whether or not it appears on the hearing of the appeal.
- (6) A directive of the Tribunal under subsection (1) shall take effect where —
- (a) no appeal under this section is brought against the directive within the time limited for such an appeal, or at the expiration of the time;

- (b) such an appeal is brought and is withdrawn or struck out for want of prosecution, or dismissed for lack of merit; or
 - (c) an appeal is brought and is not withdrawn or struck out, if and when the appeal is dismissed.
- (7) A person whose name is removed from the register following a directive of the Tribunal under this section is not entitled to be registered again except under a direction in that behalf given by the Tribunal on the application of that person and a directive under this section for the removal of a person's name from the register may prohibit an application under this subsection by that person until the expiration of that period from the date of the direction, and where he has duly made an application, from the date of his last application, as may be specified in the direction (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 17: When a person is deemed to practice as a professional Human Capital Development of Nigeria practitioner.

- (1) From the commencement of this Bill, any person who was not a member of the Institute and who under this Bill, is qualified to apply for and obtain membership of the profession may, within the period of three months beginning with the date of the commencement of this Bill, apply for membership of the Institute in the manner prescribed by the Council and if approved, he shall be enrolled or registered, as the case may be, according to the person's qualification.
- (2) A person is deemed to be a professional Human Capital Development of Nigeria practitioner if, for consideration of remuneration to be received whether by himself or in partnership with any other person —
 - (a) he engages in the practice of Human Capital Development in Nigeria or holds himself out to the public as a professional Human Capital Development of Nigeria consultant;
 - (b) he renders professional service or assistance in or about matters of principle or detail relating to Human Capital Development in Nigeria or data; or
 - (c) renders any other service that may, by regulations made by the Council, be designated as service constituting practice as a professional Human Capital Development of Nigeria practitioner or consultant (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 18: Rules of practice.

- (1) The Council may make rules for the —
 - (a) training of suitable persons in Human Capital Development of Nigeria;
 - (b) licensing of persons employed in Human Capital Development;

- (c) prescribing the fees to be paid by Human Capital Development practitioners or consultants; and
 - (d) restriction of right of practice where conditions are not met.
- (2) The Council may also make rules prescribing the amount and due date for payment for membership of annual subscription and for such purposes, different amounts may be prescribed by the rules according to the category of membership of the Institute.
- (3) Rules made under this section shall, if the Chairman of the Council directs, be published in the print media (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 19: Honourary membership.

The Council may award honorary membership of the Institute to persons it considers worthy of such honour, on terms and conditions prescribed by the Council and approved by the Institute in its general meeting (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 20: Library facilities.

The Institute shall —

- (a) provide and maintain a library comprising books and publications for the advancement of knowledge in Human Capital Development in Nigeria and such other books and publications as the Council may consider necessary for that purpose;
- (b) encourage research into Human Capital Development in Nigeria, methods and allied subjects to the extent that the Council may consider necessary; and
- (c) encourage the production and sale of materials, books and journals arising from its research and consultancy activities (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 21: Rules and regulations.

Rules and regulations made under this Bill shall be subject to confirmation by the Institute at its next AGM or at a special meeting of the Institute convened for the purpose, and if annulled, shall cease to have effect on the day after the date of annulment, but without prejudice to anything done under any such rules (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 22: Transfer of property.

(1) From the commencement of this Bill —

- (a) all properties held by or on behalf of the Incorporated Institute before this Bill, by virtue of this section shall be vested on the Institute; and

- (b) subject to subsection (2), any act, or matter made or done by the Incorporated Institute before this Bill shall continue to have effect.
- (2) The provisions of this Bill shall have effect with respect to matters arising from the transfer by this section to the Institute of the property of the Incorporated Institute before this Bill, and with respect to the other matters mentioned in the Second Schedule to this Bill (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 23: Interpretation.

In this Bill —

"Board" means the Board of Fellows (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

"Council" means the Governing Council of the Institute established under section 5 (1) of this Bill (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

"fees" includes annual subscription (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

"Fund" means Fund of the Institute established under section 7 of this Bill (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

"Minister" means the Minister charged with the responsibility for education (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

"President" and "Deputy President" respectively mean the office holders as specified under section 4 of this Bill; and (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

"register" means the register prepared and maintained under section 10 (4) of this Bill (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

Question that the meaning of the word “register” be as defined in the interpretation to this Bill — Agreed to.

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

Clause 24: Citation.

This Bill may be cited as the Chartered Institute of Human Capital Development of Nigeria (Establishment) Bill, 2024 (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

SCHEDULES

FIRST SCHEDULE

[Section 5(3)]

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

Qualification and Tenure of Office of Principal Officers of the Council

1. (1) Subject to this paragraph, every elected principal officer of the Council shall hold office for a term of two years and may be eligible for re-election for another term of two years and no more.
- (2) A principal officer of the Institute who ceases to be a member shall, if he is also a member of Council, cease to hold office as a member of the Council.
- (3) Any elected member of the Council may by notice in writing under his hand addressed to the President resign his office, and any appointed member may, likewise resign his office.
- (4) A person who retires from or otherwise ceases to be an elected member of the Council shall be eligible again to become a member of the Council, and any appointed member may be reappointed.
- (5) Election to the Council shall be held in the manner prescribed in rules made by the Council and unless otherwise prescribed, they shall be decided by a secret ballot.
- (6) If an elected member vacates office, the Council may, if the time between the unexpired portion of the term of office and the next general meeting of the Institute appears necessary to fill the vacancy, co-opt some fit persons for the period.
- (7) The election of members of the Council shall be effected in the manner prescribed as follows —
 - (a) at least eight weeks before each AGM of the Institute, the Council may nominate candidates for election to the Council, provided that the number of candidates nominated shall not exceed 50% of those retiring;
 - (b) not less than seven weeks before each AGM of the Institute, the Secretariat shall issue to all professional members a notice which shall —
 - (i) specify the names of elected Council members whose terms of office will expire at the close of the next AGM,

- (ii) specify any other vacancy in the membership of the Council which may be filled by election,
 - (iii) specify the names of any candidates nominated by the Council for election to the Council,
 - (iv) invite nominations of other candidates on the prescribed nomination form, and
 - (v) contain other particulars as may be prescribed by the Council;
- (c) candidates for election to the Council, other than candidates nominated in the following manner —
 - (i) at least five weeks before each AGM, nomination forms including details of all particulars required to be given shall be duly completed in the manner set out below and shall be sent to the Secretariat of the Institute, and
 - (ii) each nomination form shall relate to one candidate only and shall contain his class and grade of membership in the Institute, his full-time managerial or other appointment, if any, or, if retired, such appointment immediately before retirement and his date of retirement, and such other particulars as may be prescribed by the Council;
- (d) each candidate shall be sponsored by two persons who shall be members of the Institute entitled to vote and each nomination form shall contain, in addition to the particulars referred to in sub paragraph (c), a statement of the names, addresses, class and grade of membership of each of the sponsors; and
- (e) vote shall be taken by secret ballot at the AGM.

Powers of the Council

2. (1) The Council shall —
- (a) have powers to engage in legal activities, which in its opinion will facilitate the carrying on of the activities of the Institute;
 - (b) exercise such powers of the Institute and do, on behalf of the Institute, such acts as may be exercised and done by the Institute;
 - (c) exercise any power granted by the Institute in a general meeting, and subject to such bye-laws or provisions, as may be prescribed by the Institute in a general meeting, but no byelaw made by the Institute in a general meeting shall invalidate any prior act of the Council which would have been valid if such byelaw had not been made;
 - (d) exercise powers on behalf of the Institute to borrow money, to mortgage or charge its undertaking and property or any part thereof and to issue debentures, debenture stocks, and other securities whether outright or security for any debt, liability or obligation of the Institute;
 - (e) set up annually after the AGM, an executive committee of the Council,

which shall meet regularly and carry out the normal business of Council between the regular meetings of Council; and

- (f) establish a branch of the Institute in any locality within the country.

Power to make, alter or repeal bye-laws of the Institute

- (2) The Council shall have power to make, alter or repeal any bye-law as the Council may deem necessary for the proper conduct and management of the Institute and the Council shall adopt the means deemed sufficient to bring to the notice of the Institute and all its members, any bye-laws, alterations or repeals made under the powers conferred by this paragraph:

Provided that no bye-law shall be inconsistent with, affect or repeal anything contained in this Bill or constitute an amendment of, or addition to these presents as could only lawfully be made by special resolution.

Proceedings of the Council

3. (1) Subject to this Bill, the Council may, in the name of the Institute, make standing orders regulating the proceedings of the Institute or of the Council and, in the exercise of its powers under this Bill may, set up committees in the general interest of the Institute, and make standing orders for the committees.
- (2) Standing orders shall provide for decisions to be taken by a majority of the members and, in the event of equality of votes, for the President or the Chairman, as the case may be, to have a second or casting vote.
- (3) Standing orders made for a committee shall provide that the committee is to report back to the Council on any matter not within its competence to decide.
- (4) The quorum of the Council shall be seven and the Council shall fix the quorum of a committee.

Meetings of the Institute

Annual General Meetings (AGM)

4. (1) An AGM of the Institute shall be held once in every calendar year, at a time and place as may be determined by the Council, provided that every AGM after the first AGM shall be held not more than 15 months after the holding of the last preceding such meeting.

Extra-Ordinary General Meeting

- (2) All general meetings of the Institute, which are not AGMs, shall be called Extra-Ordinary General Meetings.
- (3) The Council may call an Extraordinary General Meeting whenever it deems fit and an Extraordinary General Meeting shall be convened on request.

Quorum at General Meetings

- (4) No business shall be transacted at any general meeting unless a quorum is present when the meeting proceeds to business, and unless otherwise provided, the quorum shall be 35 members present in person.

Adjournment of Meetings

- (5) If within an hour from the time appointed for the holding of a general meeting a quorum is not present, the meeting, if convened on the requisition of members, shall be dissolved and in any other case it shall stand adjourned to the same day in the next week, at the same time and place, or at such other place as the Chairman of the meeting shall appoint, and if at such adjourned meeting a quorum is not present within half an hour from the time appointed for holding the meeting, the members present shall be a quorum.

Special Business

5. All business transacted at an Extraordinary General Meeting, and an AGM except for the consideration of the account and balance sheet, the report of the Council and of auditors, the fixing of the remuneration of the auditors and the election of members of the Council at an AGM, shall be deemed to be special business.

Notices - Mode of Service

6. (1) A notice may be served by the Institute upon any member of the Council, its committees and the Institute either personally or by sending it through the post in prepaid letter addressed to the member at his address as it appears in the professional register of members or other records of members not being professional members.
- (2) A notice if served by post shall be deemed to have been served on the day following that on which the letter containing the notice is put into the post or email and in proving such service, it shall be sufficient to prove that the letter containing the notice was properly addressed and put in the email or post office as a prepaid letter.

Annual or Extra-Ordinary Meetings

7. (1) An Annual or Special Meeting of the Institute shall be convened by at least 21 days' notice in writing.
- (2) The notice shall be exclusive of the day on which it is served or deemed to be served and of the day for which it is given and shall specify the place, day and hour of the meeting, and in case of business other than ordinary annual business of the Institute, the general nature of business.
- (3) In the case of an AGM, the Secretary shall also send to each member with the notice, a copy of the annual report of the Council, a copy of the accounts of the Institute with the auditors' report thereon, and particulars of all motions to be brought before the meeting.

Special Motions at AGMs

8. A member desiring to bring before the AGM any motion not relating to the ordinary business of the AGM of the Institute may do so provided that —
- (a) notice in writing of the proposed motion is sent or given to the Secretary not later than 45 days before the date of the AGM; and
- (b) no less than 10 members entitled to vote at the AGM shall have sent or given notice in writing to the Secretary not later than 30 days before the date of the AGM expressing their desire that the proposed motion be brought before the AGM and that the proposed motion relates to matters affecting the Institute.

Voting at General Meetings

9. (1) Except as provided in this Schedule regarding voting to elect members to fill vacancies on the Council, a resolution put to the vote at any AGM or Extra-Ordinary Meeting of the Institute shall be decided on a show of hand unless (before or on the declaration of the show of hands) a poll is demanded by at least 10% of those present provided that the matter arrived at is not less than five.
- (2) No amendment shall be permitted by resolution to amend the Act or the rules and bye-laws of the Institute except with the consent of the Chairman of the meeting (whose decision shall be final) if the amendment is one of form only and not of substance.
- (3) If a poll is duly demanded or required to be taken, it shall be taken in accordance with the relevant bye-laws and the result of the poll shall be deemed to be the resolution of the meeting at which the poll is demanded.
- (4) Except as provided in this Schedule regarding voting to elect members by ballot to fill vacancies on the Council, in the case of an equality of votes, whether on a show of hands or on a poll, the Chairman of the meeting, at which the show of hands takes place or at which the poll is required to be taken, shall be entitled to a second or casting vote.
- (5) A poll demanded on the election of a Chairman or on any question of adjournment shall be taken and a poll demanded or required to be taken of any other question shall be taken at such time and place as the Chairman of the meeting directs and any business other than that upon which a poll has been demanded or is required may be proceeded with pending the taking of the poll.
- (6) On a show of hands or a poll, every member present in person shall (except as provided in the case of electing members to fill vacancies of the Council) have one vote.

Voting Rights of Corporate Members

10. Each corporate member's voting power at any meeting of the Institute shall be vested in a single person entitled as a "Voting Representative", who, if he is a professional member of the Institute in his own right, may exercise his rights to vote as an individual member in addition to voting as a representative.

Meeting of the Council

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

- (4) Notwithstanding anything in this paragraph, the first meeting of the Council shall be summoned by the Minister of Education, who may give such direction as he thinks fit as to the procedure to be followed at the meeting.

Committees

12. (1) The Council may appoint one or more committees to carry out, on behalf of the Institute or of the Council, such functions as the Council may determine.
- (2) A committee appointed under this paragraph shall consist of the number of persons determined by the Council, and a person other than a member of the Council shall hold office on the committee in accordance with the terms of the instrument by which he is appointed.

Miscellaneous

13. (1) The fixing of the seal of the Institute shall be authenticated by the signature of the President or of some other member of the Council authorised generally or specially by the Institute to act for that purpose.
- (2) A contract or instrument, which if made or executed by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Institute or the Council as the case may require, by any person generally or specially authorised to act for that purpose by the Council.
- (3) A document purporting to be duly executed under the seal of the Institute shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.
- (4) The validity of any proceeding of the Institute, Council or committee of the Council shall not be affected by any vacancy in membership, any defect in the appointment of member of the Institute, the Council or a person to serve on the committee or by reason that a person not entitled to do so took part in the proceedings.
- (5) A member of the Institute or the Council, and any person holding office on a committee of the Council, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council on behalf of the Institute, the Council or a committee, shall disclose his interest to the President or the Council as the case may be, and shall not vote on any question relating to the contract or arrangement.
- (6) A person shall not, by reason only of his membership of the Institute, be required to disclose any interest relating solely to the audit of the accounts of the Institute (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

SECOND SCHEDULE

[Section 22 (2)]

TRANSITIONAL PROVISIONS AS TO PROPERTY

Transfer of property

1. (1) Every agreement to which the Incorporated Institute was a party immediately before

the commencement of this Bill, whether in writing or not and whether or not of such nature that the rights, liabilities and obligations thereunder could be assigned by the Incorporated Institute, shall have effect from the commencement of the Act so far it relates to property transferred by this Bill to the Institute, as if —

- (a) the Institute had been a party to the agreement; and
 - (b) for any reference (however worded and whether express or implied) to a member or members of the Council or the Incorporated Institute there were substituted as respects anything failing to be done on or after the commencement of the Act, a reference to —
 - (i) the Institute, and
 - (ii) a member or members of the Council under this Bill.
- (2) Other documents referring, whether specifically or generally, to the Incorporated Institute shall be construed in accordance with subparagraph (1) of this paragraph.
- (3) Without prejudice to the generality of the provisions of this Schedule, where, by the operation of any of them or any section of this Bill, any right, liability or obligation vests in the Institute, the Institute and all other persons shall, as from the commencement of this Bill, have the same rights, powers and remedies (and, in particular, the same rights as to the taking or resisting of legal proceedings or the making or resisting of applications to any authority) for ascertaining, perfecting or enforcing that right, liability or obligation as they would have had if it had at all times been a right, liability or obligation of the Institute.
- (4) Any legal proceeding or application to any authority pending on the commencement of this Bill by or against the Incorporated Institute and relating to property transferred by this Bill to the Institute may be continued on or after that day by or against the Institute.
- (5) If the law in force at the place where any property transferred by this Bill is situated provides for the registration of transfers or property of the kind in question (whether by reference to an instrument of transfer or otherwise), the law shall, so far it provides for alterations of a register but not for avoidance of transfers, the payment of fees or any other matter, apply with the necessary modifications to the transfer of the property and the Council shall furnish the necessary particulars of the transfer to the proper officer of the registration authority, and of that officer in charge of the transfer accordingly.

Transfer of Functions

- 2.
- (1) At its first meeting, the Council of the Institute shall fix a date not later than six months after the commencement of this Bill, for the AGM of the Institute.
 - (2) The members of the Council of the Incorporated Institute shall be deemed to be the members of Council of the Institute until the date determined under subparagraph (1) when the Institute shall have its first AGM, and they shall cease to hold office at the conclusion of such meeting.
 - (3) A person who, immediately before the commencement of this Bill, held office as the President or Deputy President of the Incorporated Institute by virtue of the Articles of Association shall, on that day, become the President or, as the case may be, the Deputy President of the Institute, and shall be deemed to have been elected —

- (a) to that office under this Bill, corresponding to the relevant provision in the said Articles of Association; and
 - (b) on the date on which he took office, or last took office, under the relevant provisions of those articles.
- (4) The members of the Incorporated Institute shall, as from the commencement of this Bill, be registered as members of the Institute and, without prejudice to the generality of the provisions of this Schedule relating to the transfer of property, any person who, immediately before the commencement of this Bill, was a member of the staff of the Incorporated Institute shall on that day become the holder of an appointment with the Institute with the status, designations and functions which correspond as nearly as may be to those appertaining to him in his capacity as a member of staff of the Incorporated Institute.
- (5) A person being an office holder on, or member of, the Council of the Incorporated Institute immediately before the commencement of this Bill and deemed under this paragraph to have been appointed to any position in the Institute, or the Council of the Institute, and hereafter ceasing to hold office otherwise than by reason of his misconduct, shall be eligible for appointment to the office in the Institute or to membership of the Council, as the case may be.
- (6) All regulations, rules and similar instruments made for the purpose of the Incorporated Institute and in force immediately before the commencement of this Bill shall, except in so far as they are subsequently revoked or amended by any authority having power in that behalf, have effect with necessary modifications, as if duly made for the corresponding purpose of the Institute (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

THIRD SCHEDULE

[Section 15(5)]

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY TRIBUNAL AND INVESTIGATING PANEL

The Tribunal

1.
 - (1) The quorum of the Tribunal shall be four.
 - (2) The Council shall make rules as to the selection of members of the Tribunal for the purpose of any proceeding and as to the procedure to be followed and rules of evidence to be observed in proceedings before the Tribunal.
2. The rules shall in particular provide —
 - (a) for securing that notice of the proceedings shall be given, at such time and in such manner as may be specified by the rules, to the person who is the subject of the proceedings;
 - (b) for determining who, in addition to that person, shall be a party to the proceedings;
 - (c) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the Tribunal;

- (d) for enabling any party to the proceedings to be represented by a legal practitioner;
 - (e) subject to the provisions of section 16 (5) of this Bill, as to the costs of proceedings before the Tribunal;
 - (f) for requiring, in a case where it is alleged that the person who is the subject of the proceedings is guilty of infamous conduct in any professional respect, that where the Tribunal adjudges that the allegation has not been proved, it shall record a finding that the person is not guilty of such conduct in respect of the matters to which the allegation relates; and
 - (g) for publishing in the print media, a notice of any direction of the Tribunal, which has taken effect provided that a person's name shall be struck off a register.
3. For the purpose of any proceeding before the Tribunal, any member of the Tribunal may administer oaths and any party to the proceedings may issue out of the registry of the High Court writs of *subpoena ad testificandum* and *duces tecum*, but no person appearing before the Tribunal shall be compelled to —
- (a) make any statement before the Tribunal tending to incriminate himself; or
 - (b) produce any document under such a writ which he could not be compelled to produce at the trial of an action.
4. (1) For the purpose of advising the Tribunal on questions of law arising in the proceedings before it, there shall, in all such proceedings, be an assessor to the Tribunal who shall be appointed by the Council on the nomination of the Attorney-General of the Federation and shall be a legal practitioner of no less than 10 years standing.
- (2) The Attorney-General of the Federation shall make rules as to the functions of assessors appointed under this paragraph and in particular such rules shall contain provisions for securing that —
- (a) where an assessor advises the Tribunal on any question of law as to evidence, procedure or any other matter specified by the rule, he shall do so in the presence of every party or person representing a party to the proceedings who appears there or, if the advice is tendered while the Tribunal is deliberating in private, that every such party or person shall be informed what advice the assessor has tendered; and
 - (b) every such party or person shall be informed if in any case the Tribunal does not accept the advice of the assessor on such a question.
- (3) An assessor may be appointed under this paragraph either generally or for any particular proceeding or class of proceeding, and shall hold and vacate office in accordance with the terms of the instrument by which he is appointed.

The Panel

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

Miscellaneous

6. A person ceasing to be a member of the Tribunal or the Panel shall be eligible for reappointment as a member of that body (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama 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 Chartered Institute of Human Capital Development of Nigeria charged with the responsibility for registration of persons seeking to be public administrators, and for the promotion, study and practice of the profession of Human Capital Development (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

Agreed to.

Long Title:

A Bill for an Act to Establish the Chartered Institute of Human Capital Development of Nigeria to Make Provisions, Amongst Other Things, for Membership and Control of the Profession of Human Capital Development; and for Related Matters (HB.1261) (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama 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 Chartered Institute of Human Capital Development of Nigeria to make Provisions, amongst other things, for Membership and Control of the Profession of Human Capital Development and for Related Matters (HB.1261) and approved Clauses 1 - 24, the Schedules, the Explanatory Memorandum and Long Title of the Bill.

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

- (ii) *A Bill for an Act to Establish Chartered Institute of Export and Commodity Brokers of Nigeria to regulate the Practice, Professional Conduct and Promote the highest Standards of Competence among the Members of the Profession and for Related Matters (HB.1262) (Committee of the Whole):*

Motion made and Question proposed, “That the House do consider the Report on a Bill for an Act to Establish Chartered Institute of Export and Commodity Brokers of Nigeria to regulate the Practice, Professional Conduct and Promote the highest Standards of Competence among the Members of the Profession and for Related Matters (HB.1262)” (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

Agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO ESTABLISH THE CHARTERED INSTITUTE OF
EXPORT AND COMMODITY BROKERS OF NIGERIA TO REGULATE THE
PRACTICE, PROFESSIONAL CONDUCT AND PROMOTE THE HIGHEST
STANDARDS OF COMPETENCE AMONG THE MEMBERS OF THE
PROFESSION; AND FOR RELATED MATTERS (HB.1262)

Clause 1: Establishment of Chartered Institute of Export and Commodity Brokers of Nigeria.

- (1) There is established the Chartered Institute of Export and Commodity Brokers of Nigeria (in this Bill referred to as "the Institute").
- (2) The Institute —
 - (a) shall be a body Corporate with perpetual succession and a common seal;
 - (b) may sue and be sued in its corporate name; and
 - (c) may hold, acquire and dispose of any property, movable or immovable, subject to the Land Use Act (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 2: Functions of the Institute.

- (1) The Institute shall perform such functions and achieve such objectives as may be conferred upon it by this Bill, and shall —
 - (a) research and locate all exportable products from agriculture, minerals resources and manufactured goods that are available in Nigeria for export;
 - (b) partner relevant agencies and companies in creating an interchange point between the commodity producers, Nigerian distributors and export merchants for the storage of their products and to quicken product inspection for export;
 - (c) liaise with Federal, State, Private sector, Local Governments and relevant agencies in Nigeria on how to make all export processing zones in Nigeria to be functional, viable and to see that more of such are established for the promotion and exportation of made in Nigeria goods;
 - (d) establish professional standard in training, commodity grading, packaging, pricing, quality control, commodity and brokerage services to benefit Nigerians who wish to go into practical export and earn income from commodity wealth in Nigeria in collaboration with appropriate agencies and associations;
 - (e) define and follow-up the execution of the processes of refining the crude products or commodity in a civilized manner to meet international standard in the world market;
 - (f) determine the standards of knowledge and skill to be attained by persons seeking to become registered members of the profession and reviewing those standards, from time to time, as circumstance may demand;

- (g) secure in accordance with the provisions of the Act, the establishment and maintenance of register of members of the profession and the publication, from time to time, of lists of those members;
- (h) regulate the practice, discipline, professional conduct and promote the highest standard of competence among members of the profession;
- (i) certify all export practitioners and license all commodity brokers operating in Nigeria who qualified as Associates, Members and Fellows to practice as members of the profession in relationship with the appropriate association;
- (j) promote the highest standard of competence, practice and conduct among the members of the profession;
- (k) make provisions for educating, training, conduct of examinations, award of qualifications to deserving and qualified members of the profession wishing to become commodity brokers, shipping agents, export merchants, products packaging consultants and practicing managers on international trade in Nigeria;
- (l) advance public education as to commerce and industry, particularly the need for raw materials import, finished goods export, commodity research and grading, and educate those who are or may become involved or interested in export and commodity trade as a profession (in this Bill referred to as "the Profession");
- (m) associate with Government programmes meant for the development and promotion of export and commodity trade in Nigeria and associate with foreign and local institutions having similar objectives on export and commodity trading for the purpose of attaining excellence in international trade as a business in Nigeria;
- (n) examine, research and analyze problems connected with export and commodity trade in Nigeria and to publish the results of such work together with recommendation and advice, make the same available to all persons, firms or companies engaged in export and commodity trade whether or not they are members of the Institute;
- (o) arrange conferences, seminars, symposia and meeting for the discussion of export and commodity trade profession by means of periodical issues of a journal of the Institute and to organize post-qualification courses for its members;
- (p) perform, through the Council, all functions established under this Bill; and
- (q) do such things as may advance and promote the export and commodity trade business in both the public and private sectors of the economy (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 3: Membership of the Institute.

- (1) Subject to the provisions of this Bill, persons admitted into membership of the Institute —
 - (a) shall be registered as Fellows, Members, Associates, Graduates, Licentiate, Students or Corporate Members;
 - (b) are entitled to practice the business of export and commodity trade profession and the list of such persons shall be published, from time to time; and
 - (c) are authorised to use the initials FECB, MECB, AMECB after their names.
- (2) Practicing Fellow or Members with years of experience shall be elected as Chartered Members of the Institute and, authorised to use the initial CMECB after their names.
- (3) Honourary Members elected as Fellows or Members and Licentiates, as a result of their contributions to export and commodity trade profession, are authorised to use the initials FECB (Hon) MECB (Hon) LECB (Hon) after their names (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 4: Council of the Institute.

- (1) There shall be a Council for the Institute which shall be the governing body charged with the responsibility for the administration and general management of the Institute.
- (2) The Council shall consist of —
 - (a) President;
 - (b) Deputy President;
 - (c) National Treasurer;
 - (d) five persons nominated from the Institute;
 - (e) four Chairmen representing export services and commodity trade groups elected by each group before the annual general meeting;
 - (f) past Presidents and Registrars of the Institute;
 - (g) one person to represent the Federal Ministry of Industry, Trade and Investment;
 - (h) two persons who shall be members of the Institute to represent Institutions of higher learning in Nigeria offering courses leading to an approved qualification, in rotation among the institutions and the two shall not come from the same institution; and
 - (i) the current Registrar of the Institute who shall be the Secretary of the Council and take minutes at the Council meetings.

- (3) The President and Deputy President shall be elected at the first Council meeting by Council members and later at the annual general meeting every four years.
- (4) The President, Deputy President and National Treasurer shall be elected by members at the annual general meeting (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 5: Term of office.

The Council members shall hold office for a term of four years and no member shall serve more than two terms (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 6: Powers of the Council.

The Council shall have power at any time, to co-opt —

- (a) any member to fill any casual vacancy among members of the Council but the person so co-opted is entitled to serve only the unexpired period of the term of office of that member; and
- (b) suitable persons to any of its Committee (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 7: Council meetings.

- (1) The President shall be the Chairman at the meetings of the Institute, but in the event of death, incapacity or inability for any reason of the President, the Deputy President shall act as Chairman for the unexpired period of the term of office as Chairman and reference in this Bill to the President shall be construed accordingly.
- (2) The President and the Deputy President shall respectively be the Chairman and Vice-Chairman of the Council under this Bill and if the President or the Deputy President ceases to be a member of the Institute, he shall cease to hold any of the offices designated under this section.
- (3) The provisions of the First Schedule to this Bill shall have effect with respect to the qualifications, tenure of office of members of the Council and other matters mentioned in that Schedule (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 8: Financial provisions.

- (1) The Council shall establish and maintain a Fund for the purpose of this Bill which shall be realised from the fees payable to the Institute.
- (2) The management and control of the Fund shall be under the Council.
- (3) There shall be paid into the Fund —

- (a) all the fees and other money payable to the Council under this Bill; and
 - (b) such money as may be payable to the Council, whether in the course of the performance of its functions or not.
- (4) There shall be paid out of the Fund —
 - (a) the remunerations of the Registrar and management staff;
 - (b) such reasonable traveling and subsistence allowances of members of the Council in respect of the time spent on the business of the Council as the Council may approve; and
 - (c) any other expenses approved by the Council in the performance of its functions under this Bill.
- (5) The Council may invest money in the Fund in any security created or issued by or on behalf of the Federal Government or in any other security in Nigeria approved by the Council.
- (6) The Council may borrow funds for the purpose of the Institute and any interest payable on such funds borrowed shall be paid out of the Fund.
- (7) The Council shall keep proper account and other records and shall cause to be prepared, not later than 30th December each year, an audit report and such accounts shall be audited by a firm of auditors approved by the Council and when audited, the accounts shall be submitted to the members of the Council as approved by them at the meeting of the Institute (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 9: Appointment of Registrar and preparation of register.

- (1) The Council shall appoint a competent person to be the Registrar for the purpose of this Bill and such other persons and firm as the Council may deem necessary to assist the Registrar in the performance of his functions under this Bill.
- (2) The Registrar shall be the Chief Executive Officer of the Institute who shall, in addition, perform the functions of —
 - (a) enforcing the observance of the constitution, rules and regulations of the Institute;
 - (b) controlling the income, capital, funds and property of the Institute and endorse all accounts for payment;
 - (c) controlling the staff and officers of the Institute to ensure discipline and the accomplishment of the objects of the Institute;
 - (d) performing such other functions as, by usage and custom, pertain to his office and as the Council may, from time to time, direct; and
 - (e) keeping necessary statistical records of all Nigeria export and commodity in conjunction with the appropriate agencies.

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- (3) The Registrar shall —
- (a) prepare and maintain, in accordance with rules made by the Council, a register of the names, addresses, approved qualifications and such other qualifications of who are entitled, in accordance with the provisions of this Bill to be registered as members of the Institute and who, in the manner prescribed by such rules, apply to be so registered;
 - (b) correct, in accordance with the Council's directions, any entry in the register which the Council directs him to correct as being, in the Council's opinion, an entry which is incorrectly made;
 - (c) make, from time to time, any necessary alteration to the registered particulars of registered persons;
 - (d) remove from the register the name of any registered person who has died; and
 - (e) record the names of members of the Institute who are in default for more than three years in the payment of annual subscriptions and take action in relation to such default including removal of the name of defaulters from the register, as the Council may direct or require.
- (4) Subject to the provisions of this section, the Council shall make rules with respect to the form, keeping of the register and the making of entries into the register, as the Council may approve.
- (5) The Council shall —
- (a) regulate the making of application for or registration as the case may be and providing for the evidence to be produced in support of such application;
 - (b) provide for the notification of the Registrar by the person to whom any registered particulars relate to any change in those particulars;
 - (c) authorize a registered person to have any qualification, which is in relation to the relevant division of the profession, whether an approved qualification or accepted qualification for the purposes of this Bill registered in relation to the name in addition to or as he may elect in substitution for any other qualification so registered;
 - (d) specify the fees, including any annual subscription, to be paid to the Institute in respect of the entry of name into the register, and authorize the Registrar to refuse to enter a name on the register until a fee specified for the entry has been paid; and
 - (e) specify anything not specified under this section, but rules made for the purposes of paragraph (d) of this subsection shall not come into force until they are confirmed at a meeting of the Institute.
- (6) Where the Registrar —
- (a) sends by post to any registered person a registered letter addressed to the person at the person's address on the register, enquiring

whether the registered particulars relating to the person are correct and receives no reply to the letter within six months from the date of posting the letter, and

- (b) upon the expiration of the period, sends in like manner to the person in question a similar letter and receives no reply to that letter within three months from the date of posting the letter,

the Registrar shall remove the particulars relating to the person in question from the register, though the Council may direct the Registrar to restore to the appropriate part of the register any particular removed from it under this subsection (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 10: Publication of register and list of corrections.

- (1) The Registrar shall cause —
 - (a) the register to be printed, published and put on sale to members of the public not later than two years from the commencement of this Bill;
 - (b) the register to be printed, published and put on sale, every year after two years under paragraph (a) of this subsection, a corrected edition of the register since it was last printed;
 - (c) each edition of the register and list of corrections to be deposited at the principal office of the Institute; and
 - (d) the register and list so deposited to be made available to members of the public at all reasonable times for inspection.
- (2) A document purporting to be a print of an edition of the register published under this section by the authority of the Registrar or documents purporting to be prints of an edition of a register so published and the list of corrections so published, shall without prejudice to any other mode of proof be admissible in any proceeding as evidence that a person specified in the documents, or the documents read together, as being registered was so registered at the date of the edition or of the list of corrections, as the case may be, and that any person not so specified was not so registered.
- (3) Where, in accordance with subsection (2) of this section, a person is in any proceeding shown to have been or not to have been registered at a particular date, unless the contrary is proved, the person shall be taken for the purpose of those proceedings as having at all material times thereafter continued to be or not to be so registered (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 11: Registration of members.

- (1) A person is eligible to be registered as a member of the Institute after satisfying the Council that —
 - (a) before the Commencement of this Bill, the person —

- (i) holds a qualification from other professional bodies considered by the Council as relevant and equivalent to that of the Chartered Institute of Export and Commodity Brokers of Nigeria, or
 - (ii) is a graduate of the Institute's programme on International Trade Management or a graduate of Export, Shipping and Petroleum Management or Export and Maritime Management of Yabatech Consult of Yaba College of Technology or recognized qualification from any higher Institution;
 - (b) the person has passed the foundation level for the qualifying examination of the Institute;
 - (c) the person holds five credits in West African School Examination Certificate or General Certificate of Education or Senior School Certificate Examinations or National Examination Council and National Business and Technical Examination Board in English, Mathematics, Economics, Geography, Business Management, Commerce, Accounting and other related subjects;
 - (d) the candidate shall be in practice of export and commodity trade for a minimum period of 30 years;
 - (e) the person is a citizen of Nigeria and was, immediately before the commencement of this Bill, holding a managerial post or chief executive of an export or commodity trade firm; or
 - (f) the person holds such certificate as may be recognised by the Council.
- (2) An application for registration under this Bill shall, in addition to evidence of qualification, satisfy the Council that the applicant —
- (a) is of good character;
 - (b) has attained the age of 21 years; and
 - (c) has not been convicted in Nigeria or elsewhere of an offence involving fraud or dishonesty.
- (3) The Council may, in its discretion, provisionally accept a qualification produced in respect of an application for registration under this section or that the application be renewed within such period as may be specified in this section.
- (4) Any entry directed to be made in this register under subsection (3) of this section shall be converted to full registration without the consent of the Council signified in writing in that behalf.
- (5) The Council shall, from time to time, publish in the Federal Government Gazette particulars of qualifications for the time being accepted.
- (6) The Council shall make regulations generally for its purposes under this Bill and the regulations made may provide for —

- (a) the persons or category of persons who may enter for examinations held or conducted by this Institute; and
- (b) the conduct of entrants during such examinations (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 12: Membership by examination.

- (1) The Council shall register a person as a Fellow or Member of the Institute if the person has —
 - (a) satisfies the requirements of section 11 of this Bill;
 - (b) published an acceptable thesis or dissertation on appropriate subjects; or
 - (c) been a Member for at least five years and has contributed to the growth of the Institute and export and commodity trade.
- (2) Persons admitted to Fellows Membership grade are entitled to use the title, "FECB" after their names.
- (3) The Council shall register a person as a Member of the Institute if the person —
 - (a) satisfies the requirements of section 11 of this Bill;
 - (b) is engaged in any work relating to or connected with international or commodity trade for 15 years; and
 - (c) been an Associate Member for at least five years.
- (4) Persons admitted to Membership grade are entitled to use the title, "MECB" after their names.
- (5) Subject to the provisions of this Bill, the Council shall register a person as an Associate Member of the Institute if the person has passed the professional examinations prescribed by the Institute or claimed exemptions for having similar qualifications.
- (6) Persons admitted to Associate Membership grade are entitled to use the title, "AMECB", after their names.
- (7) Graduate Members shall be registered by the Council on completion of the Final Diploma Programme in Export Practice and Management or Graduate Diploma in International Trade Management or Yabatech Consult of Yaba College of Technology Advanced Diploma in Export, Shipping and Petroleum Management or Export and Maritime Management or Graduate Diploma in Commerce and International Marketing of Universal College of Foreign Trade and would become Associate Members after at least two years practice in related field and shall use designatory title "GECB", after their names (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 13: Membership by admission or election.

- (1) Persons not registered under section 11 of this Bill are entitled to be registered as Fellow members of the Institute if the person satisfies the Council that, for the period of at least 25 years immediately preceding the date of application in that behalf, he has been engaged in business relating to export, import, shipping petroleum and commodity trade activities and has attained top management level in the industry or contributed meaningfully to the economic and industrial growth of the nation.
- (2) Persons admitted to Fellow Membership (Honourary) grade are entitled to use the title, "FECB (Hon.)", after their names.
- (3) The Council shall register a person as a Full Member of the Institute if the person —
 - (a) satisfies the Council that he has alternative equivalent qualifications together with adequate managerial experience; and
 - (b) is 40 years of age at the time of application and has put in at least 15 years in the practice of import or export business or any business of international character.
- (4) Persons admitted to Full Membership grade are entitled to use the title, "MECB (Hon)", after their names.
- (5) The Council shall register a person as a Licentiate Member of the Institute if the person is a senior citizen of Nigeria who could not read or write or fairly educated but could be honoured for their contributions to export and commodity trade in Nigeria, the person is entitled to use the title, "LECB (Hon)", after his names.
- (6) A person who is not less than 21 years and satisfies subsection 11 (1) (c) of this Bill shall be registered as a Student Member of the Institute (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 14: Certificate of registration.

A registered member is entitled to receive from the Council certificate of registration for membership to the grade with which he was registered (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 15: Corporate membership.

- (1) The Council shall confer Corporate Membership of the Institute on any company, firm or corporation which it considers fit for the honour.
- (2) A corporate member of the Institute shall be a company registered with the Corporate Affairs Commission and has at least two professional members of the Institute as directors or management staff, heading export or commodity trade departments.
- (3) There is established a four trade groups to be known as —

- (a) Export Services Trade Group;
 - (b) Agro-Allied Trade Group;
 - (c) Natural Mineral Resources Trade Group; and
 - (d) Manufactured Goods Trade Group.
- (4) The professional syndicates shall come from each trade group representing each product identified and approved for export or its services.
- (5) Each group and professional syndicates shall have their own committee executives comprising the chairman, secretary and treasurer for the committee management.
- (6) The professional syndicates shall be responsible to the trade group and the trade group to the Council (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 16: Supervision of instructions and examinations leading to approved qualifications.

- (1) The Council may approve any institution for the purpose of this Bill and approve —
- (a) any course of training at any approved institution which is intended for persons seeking to become or are already members of the export and commodity trade profession and which in the opinion of the Council, is designed to confer on persons official knowledge and skills for admission into the Institute; and
 - (b) any qualification which, as a result of an examination taken in conjunction with a course of training approved by the Council under this section, is granted to candidates reaching a standard which, in the opinion of the Council, the candidates have sufficient knowledge and skill for the practice of the profession.
- (2) The Council may, if it deems fit, withdraw any approval given under this section in respect of any course, qualification or institution but, before withdrawing such an approval, the Council shall —
- (a) give notice that it proposes to do so to persons in Nigeria appearing to the Council to be persons by whom the course is conducted or the qualification is granted or the institution is controlled, as the case may be;
 - (b) afford such person an opportunity of making to the Council representation with regard to the proposal; and
 - (c) take into consideration any representation made in respect of this proposal under paragraph (b) of this subsection.
- (3) A course, qualification or institution shall not be treated as approved during any period the approval is withdrawn under this subsection.
- (4) Notwithstanding the provision of subsection (3) of this section, the

withdrawal of an approval under subsection (2) of this section shall not prejudice the registration or eligibility for registration, of any person who, by virtue of the approval was registered or was eligible for registration either unconditionally or subject to his obtaining a certificate of experience immediately before the approval was withdrawn.

- (5) The giving or withdrawal of an approval under this section shall have effect from the date either before or after the execution of the instrument signifying the giving or withdrawal of the approval as the Council may specify in the instrument and the Council shall —
- (a) publish a copy of every such instrument in the Federal Government Gazette; and
 - (b) not later than seven days before its publication, send a copy of the instrument to the Minister (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 17: Instruction for approved qualification.

- (1) The Council shall keep itself informed of the nature of —
- (a) the instructions given at approved institutions to persons attending course of training; and
 - (b) the examinations as a result of which approved qualification are granted.
- (2) For the purposes of performing that function, the Council may appoint, either from among its members or otherwise, persons to visit approved institutions or to observe such examinations.
- (3) The persons appointed under this section shall report to the Council —
- (a) the adequacy of the instructions given to persons attending approved course of training at institutions visited;
 - (b) the adequacy of the examination attended by the person; and
 - (c) any other matter relating to the institutions or examinations on which the Council may, either generally or in a particular case, request the person to report and the person shall not interfere with the giving of any instruction or the holding of any examination.
- (4) On receiving a report made under this section, the Council may, if it deems fit, and shall, if so required by the institution, send a copy of the report to the person appearing to the Council to be in charge of the institution or responsible for the examination to which the report relates requesting that person to make an observation on the report to the Council within such time as may be specified in the request, not being less than a month beginning with the date of the report.
- (5) The Minister of Education shall, from time to time, supervise and, if necessary, issue directives to the Council to ensure compliance with higher educational standard (*Hon. Abubakar Makki Yalleman — Mallam*

Madori/Kaugama Federal Constituency).

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

Clause 18: Establishment of Disciplinary Tribunal.

- (1) There is established the Chartered Institute of Export and Commodity Brokers of Nigeria Disciplinary Tribunal (in this Bill referred to as "the Tribunal") charged with the responsibility of considering and determining any case referred to it by the Investigating Panel established under this section and any other case of which the Disciplinary Tribunal has cognizance under the provisions of this Bill.
- (2) The Tribunal shall consist of the Chairman of the Council and eight other members of the Council appointed by the Council (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 19: Establishment of Investigating Panel.

- (1) There is established the Chartered Institute of Export and Commodity Brokers of Nigeria Investigating Panel (in this Bill referred to as "the Investigating Panel") charged with the responsibility of —
 - (a) conducting preliminary investigation into any case where it is alleged that a person registered has misbehaved in that person's capacity as member or shall, for any other reason, be the subject of proceedings before the Tribunal; and
 - (b) deciding whether the case may be referred to the Tribunal.
- (2) The Panel shall be set up by the Council and shall consist of three members, two of whom shall not be members of the Council.
- (3) The provisions of paragraphs 2 and 5 of the Second Schedule to this Bill shall apply to the Disciplinary Tribunal and Investigating Panel respectively.
- (4) The Council may make rules not inconsistent with this Bill as to acts which constitute professional misconduct (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 20: Penalties for unprofessional conduct.

- (1) Where —
 - (a) a person registered under this Bill is adjudged by the Tribunal to be guilty of infamous misconduct in any professional respect,
 - (b) a person is convicted by a competent court or tribunal in Nigeria or elsewhere, which is, in the opinion of the Tribunal, incompatible with the status of a member of the profession, or
 - (c) the Disciplinary Tribunal is satisfied that the name of any person has been fraudulently registered,

the Disciplinary Tribunal may, if it deems fit, give a direction reprimanding that person or ordering the Registrar to strike his name off from the register.

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- (2) The Disciplinary Tribunal may, if it deems fit, defer its decision as to the giving of a direction under subsection (1) of this section until a subsequent meeting of the Disciplinary Tribunal and —
- (a) a decision shall not be deferred under this subsection for a period exceeding 2 years in the aggregate; and
 - (b) a person shall not be a member of the Disciplinary Tribunal for the purpose of reaching a decision which has been deferred or further deferred, unless the person was present as a member of the Disciplinary Tribunal when the decision was deferred.
- (3) For the purposes of subsection (1) (b) of this section, a person shall not be treated as convicted unless the conviction stands as at the time when no appeal or further appeal is pending or may, without extension of time, be brought in connection with the conviction.
- (4) When the Disciplinary Tribunal gives a direction under subsection (1) of this section, the Disciplinary Tribunal shall cause notice of the direction to be served on the person to whom it relates.
- (5) A person to whom a direction relates may, at any time within 28 days from the date of service on him of notice of the direction, appeal against the direction to the Court of Appeal and the Disciplinary Tribunal —
- (a) may appear as respondent to the appeal and for the purpose of enabling a direction given as to the costs of the appeal and of proceedings before the Court of Appeal; and
 - (b) shall be deemed to be a party to it whether or not it appears at the hearing of the appeal.
- (6) A direction of the Disciplinary Tribunal under subsection (1) of this section shall take effect where —
- (a) no appeal under this section is brought against the direction within the time limited for the appeal on the expiration of that time,
 - (b) an appeal is brought and is withdrawn nor struck out for want of prosecution, and
 - (c) an appeal is brought and is dismissed,
- but shall not take effect except in accordance with the provisions of this subsection.
- (7) A person whose name is struck off the register under a direction of the Disciplinary Tribunal under this section is not entitled to be registered again except in pursuance of a direction in that behalf and a direction under this section for the striking off of a person's name from the register may prohibit an application under this subsection by the person until the expiration of such period from the date of the direction and where he has duly made such an application from the date of his last application as may be specified in the direction (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 21: Person not members of Incorporated Institute.

Any person who is not a member of the Incorporated Institute, incorporated under Companies and Allied Matters Act Part C (in this Bill referred to as "the Incorporated Institute") who may have been qualified to apply for and obtain membership of the Incorporated Institute, may, within six months, beginning from the commencement of this Bill, apply for membership of the Institute in such manner as may be prescribed by rules made by the Council and, if approved, the person shall be registered according to his qualification (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 22: Professional practice.

- (1) Subject to subsection (2) of this section, a person is deemed to practice as a member of the profession if the person, in consideration of remuneration received or to be received and whether individually or in partnership with any other person —
 - (a) engages in the practice of export and commodity trade or holds out to the public as a member of the Institute;
 - (b) renders professional services or any other service which may, by regulations made by the Council with the approval of the Minister, be designed as service constituting export and commodity brokers practice; or
 - (c) describe himself as a Chartered Commodity Broker (CCB) of the Institute.
- (2) Nothing in this section shall be construed to apply to persons who, while in the employment of any Government or engaged in commerce and industry, perform the functions of export and commodity brokers (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 23: Rules as to practice.

- (1) The Council may make rules —
 - (a) for the training of suitable persons in export and commodity trade;
 - (b) for the supervision and regulation of the management, training and transfer of such persons;
 - (c) prescribing the amount and the date for repayment of the annual subscription;
 - (d) prescribing the form of license to practice to be issued annually or if thought fit, by endorsement on an existing license; and
 - (e) restricting the right to practice in default of payment of the amount of the annual subscription where the default continues for longer than such period as may be prescribed by the rules.

- (2) Rules when made under this section shall, if the Chairman of the Council so directs, be published in the Federal Government Gazette (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 24: Provision of library facilities.

The Institute shall —

- (a) provide and maintain a library comprising books and publications for the advancement of knowledge on import, export, shipping, foreign trade, commodity trade, world trade and cognate subjects as applicable to all or any of the professional services provided by export and commodity brokers engaged in public practice, industry and commerce or the civil service and such other books and publications as the Council may deem necessary for the purpose of export and commodity trade advancement; and
- (b) encourage research into export and commodity trade to the extent that the Council may consider it necessary to give award to the best researchers (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 25: Offences.

- (1) Any person who, for the purpose of procuring the registration of any name, qualification, or other names —
- (a) makes a statement, which he believes to be false; or
- (b) recklessly makes a statement, which is false,
- commits an offence.
- (2) Where after the relevant date, any person who is not a member of the Institute practices or holds self out to practice for or in expectation of reward or takes or uses any name, title, addition or description implying that such a person is a member of the Institute, the person commits an offence, provided that person falls under section 13 of this Bill.
- (3) The Registrar or any other person employed by or on behalf of the Institute willfully makes any falsification in any matter relating to the register, the persons commits an offence.
- (4) A person who commits an offence under this section is liable —
- (a) on summary conviction to a fine not exceeding ₦20,000; and
- (b) on conviction on indictment, to a fine not exceeding ₦100,000 or to imprisonment for a term not exceeding two years or both.
- (5) Where an offence under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance of a director, manager, secretary or other similar officer of the body corporate or any person purporting to act in such capacity, such person, as well as the body corporate, are deemed to be liable to be prosecuted and

punished accordingly (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 26: Rules and regulations.

- (1) Regulations made under this Bill shall be published in the Federal Government Gazette after they are made and a copy of such regulations shall be forwarded to the Minister, not later than seven days before they are published.
- (2) Rules made for the purposes of this Bill shall be subject to confirmation by the Institute at its meeting convened for this purpose, but if annulled, shall cease to have effect on the day after the date of annulment, but without prejudice to anything already done in pursuance or intended pursuance of such rules (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 27: Transfer to Institute of certain assets and liabilities.

- (1) On the commencement of this Bill —
 - (a) all assets and liabilities held or incurred immediately before that day by or on behalf of the Incorporated Institute shall, by virtue of this Bill, vest in the Institute and be held by it for the purpose of the Institute;
 - (b) the Incorporated Institute shall cease to exist as professional body but to serve as training arm of the Institute; and
 - (c) subject to subsection (2) of the section, any act or thing done by the Incorporated Institute shall be deemed to have been done by the Institute.
- (2) The provisions of the Third Schedule to this Bill shall have effect with respect to matters arising from the transfer by this section to the Institute of the property of the Incorporated Institute and with respect to the other matters mentioned in the Schedule (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 28: Interpretation.

In this Bill —

"appointed day" means the day appointed under section 26 (2) of this Bill (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

"Chartered Practitioner" means a Corporate Member of the Institute licensed to practice export and commodity trade in Nigeria by the Institute (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

Question that the meaning of the words “Chartered Practitioner” be as defined in the interpretation to this Bill — Agreed to.

"Council" means the Council established as the governing body of the Institute under section 4 (1) of this Bill (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

"Disciplinary Tribunal" means the Chartered Institute of Export and Commodity Brokers of Nigeria Disciplinary Tribunal established under section 18(1) of this Bill (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

Question that the meaning of the words “Disciplinary Tribunal” be as defined in the interpretation to this Bill — Agreed to.

"export consultant" means a person holding himself out to advise on import and export in Nigeria (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

Question that the meaning of the words “export consultant” be as defined in the interpretation to this Bill — Agreed to.

"export manager" means a qualified person to practice export business in Nigeria (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

Question that the meaning of the words “export manager” be as defined in the interpretation to this Bill — Agreed to.

"fees" means all payments including subscriptions (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

Question that the meaning of the word “fees” be as defined in the interpretation to this Bill — Agreed to.

"Incorporated Institute" means the Institute of Export of Nigeria Incorporated under the Companies and Allied Matters Act, Part C., Cap. C20, Laws of the Federation of Nigeria, 2004 (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

Question that the meaning of the words “Incorporated Institute” be as defined in the interpretation to this Bill — Agreed to.

"Institute" means the Chartered Institute of Export and Commodity Brokers of Nigeria established under section 1 (1) of the Act (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

"Investigating Panel" means the Chartered Institute of Export and Commodity Brokers of Nigeria Investigating Panel established under section 18 (3) of this Bill (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

Question that the meaning of the words “Investigating Panel” be as defined in the interpretation to this Bill — Agreed to.

"Members of the Institute" means registered members of the Institute (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

Question that the meaning of the words “Members of the Institute” be as defined in the interpretation to this Bill — Agreed to.

"Minister" means the Minister of the Government of the Federation charged with the responsibility for export promotion and commodity development (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

"profession" means the practitioners practicing the export and commodity trade in Nigeria as business (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

Question that the meaning of the word “profession” be as defined in the interpretation to this Bill — Agreed to.

"register" means the book maintained under section 19 (3) (a) of this Bill (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

Question that the meaning of the word “register” be as defined in the interpretation to this Bill — Agreed to.

"Registrar" means the office holder under this name in the Institute; and (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

Question that the meaning of the word “Registrar” be as defined in the interpretation to this Bill — Agreed to.

"President and Deputy President" means respectively the office holders under these names in the Institute (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

Question that the meaning of the words “President and Deputy President” be as defined in the interpretation to this Bill — Agreed to.

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

Clause 29: Citation.

This Bill may be cited as the Chartered Institute of Export and Commodity Brokers of Nigeria (Establishment) Bill, 2024 (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

SCHEDULES

FIRST SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

Qualifications and Tenure of Office of Members of the Council

1. (1) Subject to the provisions of this paragraph, a member of the Council shall hold office for a period of four years beginning with the date of the member's appointment or election.
- (2) A member of the Institute who ceases to be a member shall also, if he is a member of the Council, cease to hold office of the Council.
- (3) A nominated member of the Council may, by notice in writing signed by such a member and addressed to the President, resign from office and any appointed member may, with the consent of the Minister in the same manner, resign from office.
- (4) A person who retires from or otherwise ceases to be a nominated member of the Council is eligible again to become a member of the Council and any appointed member may be re-appointed.
- (5) Nominations to the Council shall be held in such manner as may be prescribed by rules made by the Council.
- (6) Retirement of elected Council members shall be prescribed by the rules made by the Council.
- (7) The past Presidents and Registrars of the Institute shall cease to be members of the Council on attaining the age of 75 years.
- (8) If, for any reason, a member of the Council vacates office and —
 - (a) such member was appointed by the Minister or any other body, the Minister or that body may appoint another person to fill that vacancy; or
 - (b) where a member was nominated by the Institute, the Council may, if the time between the unexpired portion of the term of office and the next general meeting of the Institute appears to accept the filling of the vacancy, co-opt another person for such time.
- (9) Election to the Council shall be held in such manner as may be prescribed by the rules made by the Council and, until so prescribed, they shall be decided by a show of hands.
- (10) The six persons, nominated by the Institute shall be one each from the six geo-political zones of Nigeria.

Power and Proceedings of the Council

2. (1) The Council shall have power to do anything which, in its opinion, is calculated to facilitate the objects of the Institute.
- (2) Subject to the provisions to this Bill, the Council may, in the name of the Institute, make standing order regulating the proceedings of the Institute or Council and, in the exercise of its powers under this Bill, may set up Committees in the general interest of the Institute and make standing orders for them under this Bill.

- (3) Standing orders shall provide for decisions taken by a majority of the members and, in the event of equality of votes, the President or the Chairman shall have a second or casting vote.
- (4) Standing orders made for a Committee shall provide that the Committee is to report back to the Council on any matter not within its competence to decide.
- (5) The quorum of the Council shall be 15, and the quorum of a Committee of the Council shall be fixed by the Council.

Meetings of the Institute

3. (1) The Council shall convene the anniversary meeting of the Institute on the 29th day of May every year or on such other day as the Council may appoint, and if the meeting is not held two years after the previous meetings, the Council shall look into the reason why the meeting could not hold and resolve it.
- (2) A special meeting of the Institute may be convened by the Council at any time and if at least 25 members of the Institute so require by notice in writing addressed by the Registrar who is the Secretary of the Council setting out the objective of the proposed meeting, and the Chairman of the Council shall preside over a special meeting of the Institute.
- (3) The quorum of any meeting of the Institute shall be 15 and that of any general meeting of the Institute shall be 45 members.

Meetings of the Council

4. (1) Subject to the provisions of any standing order of the Council, the Council shall meet whenever it is required to do so by notice in writing given to the Secretary by at least five other members, the Secretary shall summon a meeting of the Council to be held within seven days from the date on which the notice is given.
- (2) At any meeting of the Council, the President or, in his absence, the Deputy President shall preside, but if both are absent, the members present at the meeting shall appoint one of them to preside over the meeting.
- (3) Where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt him as a member for such period as the Council deems fit, but a person who is a member by virtue of this sub-paragraph is not entitled to vote at any meeting of the Council and shall not be counted towards a quorum.
- (4) Notwithstanding anything in this paragraph, the first meeting of the Council shall be convened after consultation with the Minister who may give such directions, as he thinks fit with regard to the procedure to be followed at the meeting.

Committee

5. (1) The Council may set up one or more Committees to carry out, on behalf of the Institute or Council, such functions as the Council may determine.
- (2) A Committee set up under this paragraph shall consist of the number of persons determined by the Council of whom not more than one-third may be persons who are not members of the Council.
- (3) A person other than a member of the Council shall hold office on the Committee in accordance with the terms of the letter by which he was appointed.

- (4) A decision of a Committee of the Council shall have no effect until it is confirmed by the Council.

Miscellaneous

6. (1) The fixing of the seal of the Institute shall be authenticated by the signature of the President or another member of the Council authorised generally or specially by the Institute to act for that purpose.
- (2) Any contract or instrument which if made or executed by a person not being a body corporate will not be required to be under seal, may be executed on behalf of the Institute or Council, as the case may require, by any person generally or specially authorised to act for that purpose by the Council.
- (3) Any document purporting to be a document duly executed under the seal of the Institute shall be received in evidence and shall, unless the contrary is proved, be deemed to be executed.
- (4) The validity of any proceeding of the Institute, Council or Committee of the Council shall not be adversely affected by —
- (a) any vacancy in membership;
- (b) any defect in the appointment of a member of the Institute or Council or of a person to serve on the Committee; or
- (c) reason that a person not entitled to do so took part in the proceedings.
- (5) A member of the Institute, Council or any person who holds office on a Committee of the Council who has personal interest in any contract or arrangement entered into or proposed to be considered by the Council on behalf of the Institute, the Council or a Committee, shall disclose his interest to the President or Council, as the case may be, and shall not vote on any question relating to the contract or arrangement.
- (6) A person shall not, by reason of his membership of the Institute, be required to disclose any interest relating solely to the audit of the accounts of the Institute (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

SECOND SCHEDULE

[Section 19(5)]

SUPPLEMENTARY PROVISIONS RELATING TO THE
DISCIPLINARY TRIBUNAL AND INVESTIGATION PANEL

The Disciplinary Tribunal

1. The quorum of the Tribunal shall be five members, out of whom at least two shall be registered members.
2. (1) The Attorney-General of the Federation may make rules as to the —
- (a) selection of members of the Disciplinary Tribunal for the purpose of any proceeding;

- (b) procedure to be followed; and
 - (c) rules of evidence to be observed in proceedings before the Disciplinary Tribunal.
 - (2) The rules shall provide —
 - (a) details for securing that notice of the proceeding shall be given at such time and in such manner as may be specified by the rules to the person who is the subject of the proceedings;
 - (b) details for determining who, in addition to the person, shall be a party to the proceedings;
 - (c) details for securing that any party to the proceedings shall, if so required, be entitled to be heard by the Disciplinary Tribunal;
 - (d) details for securing that any party to the proceedings may be represented by a legal practitioner;
 - (e) subject to the provisions of section 25(4)(a) and (b) of this Bill, the cost of proceedings before the Disciplinary Tribunal;
 - (f) details for requiring, in a case where it is alleged that the person who is the subject of the proceedings is guilty of infamous misconduct in any professional respect, that where the Disciplinary Tribunal adjudges that the allegations has not been proved, it shall record a finding that the person is not only of such conduct in respect of the matters to which the allegation relates; and
 - (g) details for publishing in the Federal Government Gazette any decision of the Disciplinary Tribunal which has taken effect providing that a person's name shall be struck off in a register.
- 3. For the purposes of any proceeding before the Disciplinary Tribunal, any member of Disciplinary Tribunal may administer oaths and any party to the proceedings may sue out of the registry of the High Court Writs of subpoena ad testificandum and daces locum, but no person appearing before the Disciplinary Tribunal shall be compelled —
 - (a) to make any statement before the Disciplinary Tribunal tending to incriminate himself; or
 - (b) to produce any document under which a Writ he could not be compelled to produce at the trial.
- 4.
 - (1) For the purpose of advising the Disciplinary Tribunal on question of law arising in the proceeding before it, there shall, in all such proceedings, be an assessor to the Disciplinary Tribunal who shall be appointed by the Council on the nomination of the Attorney-General of the Federation and shall be a legal practitioner of at least seven years standing.
 - (2) The Attorney-General of the Federation shall make rules as to the functions of assessors appointed under this paragraph and in particular such rules shall contain provisions for securing -
 - (a) that where an assessor advises the Tribunal on any question of law as to

evidence, procedure or any other matter specified by the rules, he shall do so in the presence of every party or person representing a party to the proceedings who appears thereat or, if the advice is tendered while the Tribunal is deliberating in private, that every such party or person shall be informed what advice the assessor has tendered; and

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

The Investigating Panel

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

Miscellaneous

7. (1) A person ceasing to be a member of the Disciplinary Tribunal or the Investigating Panel is eligible for reappointment as a member of the Tribunal or Investigating Panel, as the case may be.
- (2) A person may, if eligible, be a member of both the Disciplinary Tribunal and Investigating Panel but no person who acted as a member of the Investigating Panel with respect to any case shall act as a member of the Disciplinary Tribunal with respect to that case.
8. (1) The Disciplinary Tribunal or the Investigating Panel may act notwithstanding any vacancy in its membership and the proceedings of either body shall not be invalidated by any irregularity in the appointment of a member of that body or subject to paragraph 7 (2) of this Schedule by reason of the fact that any person who was not entitled to do so took part in the proceedings of that body.
- (2) Any document authorised or required by virtue of this Bill to be served on the Disciplinary Tribunal or the Investigating Panel shall be served on the Registrar.
9. (1) Any expenses of the Disciplinary Tribunal or Investigating Panel shall be defrayed by the Institute.
- (2) Subject to the provisions of such standing orders, the Investigating Panel may regulate its own procedure (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

THIRD SCHEDULE

TRANSITIONAL PROVISIONS AS TO PROPERTY

1. (1) Every agreement to which the Incorporated Institute was a party and whether or not of such a nature that the rights, liabilities and obligations under it will be assigned by the Incorporated Institute shall, unless its terms or subject matter make it impossible that it shall have effect from the commencement of this Bill so far as it relates to assets and liabilities, be transferred by this Bill to the Institute, as if —
 - (a) the Institute had been a party to the agreement;
 - (b) for any reference, however worded, whether express or implied, to the Incorporated Institute, there was substituted with regard to anything failing to be done or after the commencement of this Bill, a reference to the Institute; and
 - (c) for any reference, however worded, whether express or implied, to a member of the Council of the Incorporated Institute or an officer of the Incorporated Institute, there were substituted with regard to anything failing to be done on or after the commencement of this Bill, a reference to a member or member of the Council under this Bill or to the officer of the Incorporated Institute who corresponds as neatly as may be to the member or officer in question of the Institute.
- (2) Other documents which refer, whether specially or generally, to the Incorporated Institute shall be considered in accordance with subparagraph (1) of this paragraph as far as applicable.
- (3) Without prejudice to the generality of the provisions of this Schedule, where the operation of this Bill with respect to any right, liability or obligation vests in the Institute, the Institute and all other persons shall, as from the commencement of this Bill, have the same right, liability and obligation.
- (4) Remedies and, in particular, the same rights as to taking or rescinding of legal proceedings or the making or resisting of applications to any authority, for ascertaining, performing or enforcing that right, liability or obligation of the Institute.
- (5) Any legal proceeding or application to any authority pending on the appointed day by or against the Incorporated Institute and relating to assets or liabilities transferred by this Bill to the Institute may be continued on or after that day for or against the Institute.
- (6) If the law in force at the place where any property transferred by this Bill is situate provides for the registration of transfer of property, but not for avoidance of transfer, the payment of fees or any other matter, apply with the necessary modifications to the transfer of the property to the Institute and the institute shall furnish the necessary particulars of the transfer to the officer of the registration authority, and that officer shall register the transfer accordingly.

Transfer of Functions

2. (1) At its first meeting, the Council shall fix a date, not later than six months after the appointed day, for the annual meeting of the Institute.
- (2) The members of the Council of the Incorporated Institute shall be deemed to be the members of the Council of the Institute until the date determined under this

subparagraph when the Institute shall have its first annual meeting and they cease to hold office at the conclusion of such meeting.

- (3) Any person who, immediately before the appointed day, held office as the President or Deputy President of the Council of the Incorporated Institute by virtue of the articles of the Incorporated Institute shall on that day become the President or as the case may be, the Deputy President of the Institute, and shall be deemed to have been appointed to that office under this provisions of this Bill, corresponding to the relevant provisions in the said articles of the Incorporated Institute, and on the date on which the person took office, under the relevant provision of the articles.
- (4) The members of the Incorporated Institute shall, as from this day, be registered as members of the Institute and, without prejudice to the generality of the provisions of this Schedule relating to the transfer of property, any person who, immediately before the appointed day was a member of staff of the Incorporated Institute shall on that day become the holder of an appointment with the Institute with the status designation and functions which correspond as nearly as may be to those which appertained to the person's capacity as a member of staff.
- (5) Any person being an office holder or member of the Council of the Incorporated Institute immediately before the appointed day and deemed under this paragraph to have been appointed to any like position in the Institute, or on the Council of the Institute and thereafter ceasing to hold office than by reason of his misconduct, is eligible for appointment to office in the Institute or to membership of the Council as the case may be.
- (6) All regulations, rules and similar instruments made for the purpose of the Incorporated Institute and in force immediately before the appointed day, shall, except in that behalf, have force with any necessary modification, as if duly made for the corresponding purposes of the Institute (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Explanatory Memorandum:

This Bill establishes the Chartered Institute of Export and Commodity Brokers of Nigeria to regulate the practice, professional conduct and promote the highest standard of competence among the members of the profession (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

Agreed to.

Long Title:

A Bill for an Act to Establish the Chartered Institute of Export and Commodity Brokers of Nigeria to Regulate the Practice, Professional Conduct and Promote the Highest Standards of Competence among the Members of the Profession; and for Related Matters (HB.1262) (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama 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 Chartered Institute of Export and Commodity Brokers of

Nigeria to regulate the Practice, Professional Conduct and Promote the highest Standards of Competence among the Members of the Profession and for Related Matters (HB.1262) and approved Clauses 1 - 29 the Schedules, the Explanatory Memorandum and the Long Title of the Bill.

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

(iii) ***A Bill for an Act to Provide for Establishment of Nigerian Maritime University, Okerenkoko and for Related Matters (SB. 75) (Committee of the Whole):***

Motion made and Question proposed, "That the House do consider the Report on a Bill for an Act to Provide for Establishment of Nigerian Maritime University, Okerenkoko and for Related Matters (SB. 75)" (Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency).

Agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO ESTABLISH THE NIGERIA MARITIME UNIVERSITY,
OKERENKOKO, DELTA STATE AND FOR RELATED MATTERS (SB.75)

PART I — ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF NIGERIA MARITIME UNIVERSITY, OKERENKOKO

Clause 1: Establishment of the University.

- (1) There is established the Nigeria Maritime University, Okerenkoko (in this Bill, referred to as "the University).
- (2) The University:
 - (a) shall be a body corporate with perpetual succession and a common seal; and
 - (b) may sue or be sued in its corporate name.
- (3) The University shall be supervised by the Federal Ministry of Education.
- (4) The Federal Ministry of Education, through the National Universities Commission (NUC), shall be responsible for approving and regulating all academic programmes run in the University, to ensure quality compliance for academic and research programmes (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 2: Constitution and Principal Officers of the University.

- (1) The University shall consist of —
 - (a) a Chancellor;
 - (b) a Pro-Chancellor and a Council;

- (c) a Vice-Chancellor and a Senate;
 - (d) a body to be called Congregation;
 - (e) a body to be called Convocation;
 - (f) the campuses and colleges of the University;
 - (g) the colleges, institutes and other teaching and research units of the University;
 - (h) the persons holding the offices constituted by the First Schedule to this bill other than those mentioned in paragraphs (a) to (c) of this subsection; and
 - (i) all graduates and undergraduates of the University; and all other persons who are members of the university in accordance with provisions made by statute in that behalf.
- (2) The First Schedule to this Bill shall have effect with respect to the principal officers of the University.
- (3) Subject to section 5 of this Bill provision shall be made by statute with respect to the constitution of the Council, the Senate, Congregation and Convocation (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 3: Powers of the University and its exercise.

- (1) For the carrying out of its objects as specified in section 1 of this Bill, the University shall have power:
- (a) to establish such campuses, institutes, schools, extra-mural departments and other teaching and research units within the University as may from time to time be deemed necessary or desirable subject to the approval of the National Universities Commission;
 - (b) to institute professorships, readerships or associate professorships, lectureships, and other posts and offices and to make appointments thereto;
 - (c) to institute and award fellowships, scholarships, exhibitions, bursaries, medals, prizes and other titles, distinctions, awards and forms of assistance;
 - (d) to provide for the discipline and welfare of members of the University;
 - (e) to hold examinations and grant degrees, diplomas, certificates and other distinctions to persons who have pursued a course of study approved by the University and have satisfied such other requirements as the University may lay down;
 - (f) to grant honorary degrees, fellowships or academic titles;

- (g) to demand and receive from any student or any other person attending the University for the purpose of instruction, such fees as the University may from time to time determine subject to the overall directives of the Council;
- (h) subject to section 19 of this Bill, to acquire, hold, grant, charge or otherwise deal with or dispose of movable and immovable property wherever situate;
- (i) to accept gifts, legacies and donations, but without obligation to accept the same for a particular purpose unless it approves the terms and conditions attaching thereto;
- (j) to enter into contracts, establish trusts, act as trustee, solely or jointly with any other person, and employ and act through agents;
- (k) to erect, provide, equip and maintain libraries, laboratories, lecture halls, halls of residence, refectories, sports grounds, playing fields and other buildings or things necessary, suitable or convenient for any of the objects of the University;
- (l) to hold public lectures and to undertake printing, publishing and book selling;
- (m) to engage students in distance learning programs while they are at sea or in areas of maritime business;
- (n) subject to any limitations or conditions imposed by statute, to invest any moneys appertaining to the University by way of endowment it, not being immediately required for current expenditure, not being 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 to deposit any moneys for the time being not invested with any bank on deposit or current account;
- (o) to 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 it necessary or expedient to borrow or to guarantee any loan, advances or credit facilities;
- (p) to engage income generating ventures as appropriate;
- (q) to collaborate, co-operate, partner or associate with any other University, authority, Government, organization or institution of higher learning both in Nigeria and abroad;
- (r) to invest outside of Nigeria which includes building replica institutions;
- (s) the University may grant scholarships to both local and foreign students as may be deemed necessary;
- (t) to adopt foreign maritime administration requirements for the purpose of raising standards of training above the minimum IMO requirements;

- (u) to make gifts for any charitable purpose;
 - (v) to do anything which it is authorized or required by this Bill or by statute to do; and
 - (w) to 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 and without prejudice to section 7 (2) of this Bill, the powers conferred on the University by subsection (1) of this section shall be exercisable on behalf of the University by the Council or by the Senate or in any other manner as may be authorized by the statute.
- (3) The power of the University to establish further campuses and colleges within the University shall be exercisable by statute and not otherwise (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 4: General Fund of the University.

- (1) There shall be a general Fund of the University, which shall consist of the following:
- (a) Grant-in-aid;
 - (b) Fees;
 - (c) 5% sums in the Cabotage Finance Fund;
 - (d) income derived from investments;
 - (e) gifts, legacies, endowments and donations not accepted for a particular purpose;
 - (f) income derived from the exercise of any function conferred or imposed on the University by this Bill; and
 - (g) all other moneys belonging to the University from whatsoever source derived.
- (2) The general Fund shall be applied for the purpose of the University (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 5: Functions of the Chancellor and the Pro-Chancellor.

- (1) The Chancellor shall, in relation to the University, take precedence Chancellor and the Pro- before all other members of the University, and when he is present, shall Chancellor 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

the Vice-Chancellor when acting as chairman of Congregation or Convocation and the Pro-Chancellor shall, when he is present, be the chairman at all meetings of the Council (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 6: Composition of the Council.

- (1) The Council of the University shall consist of —
 - (a) the Pro-Chancellor;
 - (b) the Vice-Chancellor;
 - (c) two Deputy Vice-Chancellors;
 - (d) one person from the Ministry responsible for education;
 - (e) four persons representing a variety of interests with requisite knowledge and experience in maritime sector, and broadly, representatives of the whole Federation to be appointed by the President;
 - (f) four persons appointed by the Senate from among its members;
 - (g) two persons appointed by Congregation from among its members;
 - (h) one person appointed by convocation from among its members;
 - (i) Minister responsible for transportation or his representative;
 - (j) Director-General of NIMASA or his representative.
- (2) The Council so constituted shall have a tenure of four years 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 constituted for the effective functioning of the University.
- (3) The powers of the Council shall be exercised, as in this Bill and to that extent establishment circulars that are inconsistent with this Bill shall not apply to the University.
- (4) The Council shall be free in the discharge of its functions and exercise of its responsibilities for the good management, growth and development of the University.
- (5) The Council in the discharge of its functions shall ensure that disbursement of funds of the University complies with the approved budgetary ratio for:
 - (a) personnel cost;
 - (b) overhead cost;
 - (c) research and development;
 - (d) library developments; and

- (e) the balance in expenditure between academic vis-à-vis non-academic activities (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 7: Functions of the Council and its Finance and General Purpose Committee.

- (1) Subject to the provisions of this Bill relating to the Visitor, the Council shall be the governing body of the University and shall be charged with the general control and superintendence of the policy, finances and property of the University.
- (2) There shall be a committee of the Council, to be known as the Finance and General Purposes Committee, which shall, subject to the directions of the Council, exercise control over the property and expenditure of the University and perform such other functions of the Council as the Council may from time to time delegate to it.
- (3) Provision shall be made by statute with respect to the constitution of the Finance and General Purposes Committee.
- (4) The Council shall ensure that proper accounts of the University are kept and that the accounts of the University are audited annually by an independent firm of auditors approved by the Council and that an annual report 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 in so far and to the extent that any rules so made by that Committee conflict with any direction given by the Council whether before or after the coming into force of the rules in question, the directions of the Council shall prevail.
- (7) There shall be paid to the members respectively of the Council, the Finance and General Purposes Committee and of any other committee set up by the Council, allowances in respect of travelling and other reasonable expenses at such rates as may from time to time be fixed by the Council.
- (8) The Council shall meet for the performance of its functions under this Bill and shall meet at least three times a year.
- (9) If requested in writing by any five members of the Council, the chairman shall within 28 days after the receipt of such request call a meeting of the Council.
- (10) Any request made under subsection (9) of this section shall specify the business to be considered at the meeting and no business not so specified shall be transacted at that meeting (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 8: Functions of the Senate.

- (1) Subject to section 6 of this Bill and subsections (3) and (4) of this section and the provisions of this Bill relating to the Visitor, it shall be the general function of the Senate to organise and control the teaching by the University, the admission of student where no other enactment provides to the contrary and the discipline of students; and to promote research at the University.
- (2) Without prejudice to the generality of subsection (1) of this section and subject as there mentioned, it shall in particular be the function of the Senate to make provision for —
 - (a) the establishment, organization and control of campuses, colleges, schools, institutes and other teaching and research units of the University and the allocation of responsibility for different branches of learning;
 - (b) the organization and control of courses of study at the University and of the examinations held in conjunction with those courses, including the appointment of examiners, both internal and external;
 - (c) the award of degrees, and such other qualifications as may be prescribed in connection with examinations held as aforesaid;
 - (d) the making of recommendations to the Council with respect to the award to any person of an honorary fellowship or honorary degree or the title of professor emeritus;
 - (e) the establishment, organization and control of halls or residence and similar institutions at the University;
 - (f) the supervision of the welfare of students at the university and the regulation of their conduct;
 - (g) the granting of fellowships, scholarships, prizes and similar awards in so far as the awards are within the control of the University; and
 - (h) determining what descriptions of dress shall be academic dress for the purposes of the University, and regulating the use of academic dress.
- (3) The Senate shall not establish any new campus, college, school, department, institute or other teaching and research units of the university, or any hall of residence or similar institution at the University without the approval of the Council.
- (4) 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 foregoing provisions of this section or otherwise or for the purpose of making provision for any matter for which provision by regulations is authorized or required by this Bill or by statute.
- (5) Regulations shall provide that at least one of the persons appointed as the examiners at each final or professional examination held in conjunction with any course of study at the University is not a teacher at the university but is a teacher of the branch of learning to which the course relates at some other

university of high repute or a person engaged in practicing the profession in a reputable organization or institution.

- (6) Subject to a right of appeal to the Council from a decision of the Senate under this sub-section, the Senate may deprive any person of any degree, diploma or other award of the University which has been conferred upon him if after due enquiry he is shown to have been guilty of dishonourable or scandalous conduct in gaining admission into the University or obtaining that award (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 9: Functions of the Vice Chancellor.

- (1) The Vice-Chancellor shall, in relation to the University, take precedence before all other members of the University except the Chancellor and subject to section 4 of this Bill except the Pro-Chancellor and any other person for the time being acting as chairman of the Council.
- (2) Subject to sections 6, 7 and 14 of this Bill, the Vice-Chancellor shall have the general function, in addition to any other functions conferred on him by this Bill or otherwise of directing the activities of the University and shall be the chief executive and accounting officer of the University and *ex-officio* chairman of the Senate.
- (3) The Vice Chancellor shall be the Chairman of the University Tenders' Board, which is saddled with the responsibility of approving the conduct of public procurement of goods, works and services within the approved threshold from time to time.
- (4) It shall be the responsibility of the Vice-Chancellor to establish and appoint members of the Tenders' Board in line with the extant Public Procurement Rules and Regulations (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

PART II — TRANSFER OF PROPERTY, ETC, TO THE UNIVERSITY

Clause 10: Transfer of Property.

- (1) All property held by or on behalf of the provisional council of the University shall by virtue of this sub-section and without further assurance, vest in the University and be held by it for the purpose of the University.

Second Schedule.

- (2) The provisions of the Second Schedule to this Bill shall have effect with respect to, and to matters arising from, the transfer of property by this section and with respect to the other matters mentioned in that Schedule.

Conditions of Service of the Employees.

- (3) The Condition of Service of Employees in the University shall be in line with what is obtainable in the maritime industry to enable the University attract best brains for training and research (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

PART III — STATUTES OF THE UNIVERSITY

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, that to say:
 - (a) making provision with respect to the composition and constitution of any authority of the University;
 - (b) specifying and regulating the powers and duties of any authority of the University, and regulating any other matter connected with the University or any of its authorities;
 - (c) regulating the admission of students (where no other enactment provides to the contrary), and their discipline and welfare;
 - (d) determining whether any particular matter is to be treated as an academic or non-academic matter for the purposes of this Bill and of any statute, regulation or other instrument made there under;
 - (e) making provision for any other matter for which provision by statute is authorized or required by this Bill.
- (2) Subject to section 2 (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 29 (1) of that Act.

Third Schedule.

- (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 statutes conferred by this section shall not be prejudiced or limited in any way by reason of the inclusion or omission of any matter in or from the statute contained in the Third Schedule to this Bill or any subsequent statute (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 12: Mode of exercising powers to make statutes.

- (1) The power of the University to make statutes shall be exercised in accordance with the provisions of this section and not otherwise.
- (2) A proposed statute shall not become law unless it has been approved —
 - (a) at a meeting of the Senate, by the votes of not less than two thirds of the members present and voting; and
 - (b) at a meeting of the Council, by the votes of not less than two thirds of the members present and voting.
- (3) A proposed statute may originate either in the Senate or in the Council, and may be approved as required by subsection (2) of this section by either of the body.

- (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 President.
- (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 duly approved by the Council after having been duly approved by the Senate, or on the date on which it is duly approved by the Senate after having been duly approved by the Council, as the case may be or, in the case of a statute falling within subsection (4)'of this section, on the date on which it is approved by the President.
- (6) In the event of any doubt or dispute arising at any time —
- (a) as to the meaning of any provision of a statute; or
 - (b) as to whether any matter is for the purposes of this Bill an academic or non- academic matter as they relate to such doubt or dispute, the matter may be referred to the Visitor, who shall take such advice and make such decision thereon as he deem fit.
- (7) The decision of the Visitor on any matter referred to him under subsection (6) of this section shall be binding upon the authorities, staff and students of the University and where any question as to the meaning of any provision of a statute has been decided by the Visitor under that sub-section, no question as to the meaning of that provision shall be entertained except court of competent Jurisdiction in Nigeria.
- (8) Nothing in subsection (7) of this section shall affect any power of a court of competent jurisdiction to determine whether any provision of a statute is wholly or partly void as being ultra vires or as being inconsistent with the provision of Constitution of the Federal Republic of Nigeria, 1999 as amended (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 13: Proof of Statutes.

A statute may be proved in any court by the production of a copy thereof bearing or having affixed to it a certificate purporting to be signed by the Vice-chancellor or the secretary to the Council to the effect that the copy is a true copy of a statute of the University (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

PART IV — SUPERVISION AND DISCIPLINE

Clause 14: The Visitor.

- (1) The President shall be the Visitor of the University.

- (2) The Visitor shall as alien as the circumstances may require, not being less than once every five years, conduct a visitation of the University or direct (that such a visitation be conducted by such person or persons as the Visitor may deem fit and in respect of any of the affairs of the University.
- (3) It shall be the duty of the bodies and persons comprising the University to make available to the Visitor and to any other person conducting a visitation in pursuance of this section, such facilities and assistance as he or they may reasonably require for the purposes of a visitation.
- (4) The Visitor shall make the report of such visitations and white paper thereon available to the Council which shall implement same (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 15: Removal of certain members of Council.

- (1) If it appears to the Council that a member of the Council (other than the Pro-Chancellor or the Vice-chancellor) should be removed from office on the ground of misconduct or inability to perform the functions of his office or employment, the Council shall make a recommendation to that effect through the Minister to the President, and the President, after making such enquiries (if any) as he may consider appropriate approves the recommendation, he may direct the removal of the person in question from office.
- (2) It shall be the duty of the Minister to use his best 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 Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 16: Removal and discipline of academic, administrative and professional staff.

- (1) If it appears to the Council that there are reasons for believing that any person employed as a member of the academic, administrative or professional staff of the University, other than the Vice-chancellor, should be removed from his office or employment on the ground of misconduct or of inability to perform the functions of his office or employment, the Council shall —
 - (a) give notice of those reasons to the person in question;
 - (b) afford him an opportunity of making representations in person on the matter by the Council; and
 - (c) for the person in question to be afforded an opportunity of appearing before and being heard by the investigating committee with respect to the matter, and if the Council, after considering the report of the investigating committee, is satisfied that the person in question should be removed as aforesaid, the Council may so remove him by an instrument in writing signed on the directions of the Council.
- (2) The Vice-chancellor may, in a case of misconduct by a member of the staff which in the opinion of the Vice-chancellor is prejudicial to the interest of

the university, suspend such member and any such suspension shall forthwith be reported to the Council.

- (3) For good cause, any member of the staff may be suspended from his duties or his appointment may be terminated by the Council; and for the purposes of this subsection "good cause" means:
 - (a) conviction for any offence which the Council considers to be such as to render the person concerned unfit for the discharge of the functions of his office; or
 - (b) any physical or mental incapacity which the Council, after obtaining medical advice, considers to be such as to render the person concerned unfit to continue to hold his office; or
 - (c) conduct of a scandalous or other disgraceful nature which the Council considers to be such as to render the person concerned unfit to continue to hold his office; or
 - (d) conduct which the Council considers to be such as to constitute failure or inability of the person concerned to discharge the functions of his office or to comply with the terms and conditions of his service; or
 - (e) conduct which the Council considers to be generally of such nature as to render the continued appointment or service of the person concerned prejudicial or detrimental to the interest of the University.
- (4) Any person suspended pursuant to subsection (2) or (3) of this section shall be on half pay and the Council shall before the expiration of a period of three months after the date of such suspension consider the case against that person and come to a decision as —
 - (a) whether to continue such person's suspension and if so on what terms (including the proportion of his emoluments to be paid to him);
 - (b) whether to reinstate such person, in which case the Council shall restore his full emoluments to him with effect from the date of suspension;
 - (c) whether to terminate the appointment of the person concerned, in which case such a person shall not be entitled to the proportion of his emoluments withheld during the period of suspension; or
 - (d) whether to take such lesser disciplinary action against such person (including the restoration of such proportion of his emoluments that might have been withheld) as the Council may determine.
- (5) In any case where the Council, pursuant to this section, decides to continue a person's suspension or decides to take further disciplinary action against a person. The Council shall before the expiration of a period of three months from such decision come to a final determination in respect of the case concerning any such person.
- (6) It shall be the duty of the person by whom an instrument of removal is

signed in pursuance of subsection (1) of this section to use his best endeavours to cause a copy of the instrument to be served as soon as reasonably practicable on the person to whom it relates.

- (7) Nothing in the foregoing provisions of this section shall:
- (a) apply to any directive given by the Visitor in consequence of any visitation; or
 - (b) prevent the Council from making regulations for the discipline of other categories of workers of the University as may be prescribed (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 17: Removal of examiners.

- (1) If on the recommendation of the Senate it appears to the Vice- Chancellor that a person appointed as an examiner for any examination of the University ought to be removed from his office or appointment, then except in such cases as may be prescribed, the Vice-chancellor may after affording the examiner an opportunity of making representations in person remove the examiner from the appointment by an instrument in writing signed by the Vice-chancellor.
- (2) Subject to the provisions of regulations made in pursuant to section 7 (5) of this Bill. The Vice-Chancellor may on recommendation of the Senate, appoint an appropriate person as examiner in the place of the examine removed in pursuance of subsection (1) of this section.
- (3) It shall be the duty of the Vice-Chancellor 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 Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 18: Discipline of Students.

- (1) Subject to the provisions of this section, where it appears to the Vice-chancellor that any student of the University has been guilty of misconduct, the Vice-chancellor may, without prejudice to any other disciplinary powers conferred on him by statute or regulations, direct:
 - (a) that the student shall not, during such period as may be specified in the directions, participate in such activities of the University, or make use of such facilities of the University, as may be so specified; or
 - (b) that the activities of the student shall, during such period as may be specified in the direction, be restricted in such manner as may be so specified; or
 - (c) that the student be rusticated for such period as may be specified in the direction; or

- (d) that the student be expelled from the University.
- (2) Where a direction is given under subsection (1) (c) or (d) of this section in respect of any student, that student may, within the prescribed period and in the prescribed manner, appeal to the Council; and where such an appeal is brought, the Council shall, after causing such inquiry to be made in the matter as the Council considers just either confirm or set aside the direction or modify it in such manner as the Council deems fit.
- (3) The fact that an appeal from a direction is brought in pursuance of subsection (2) of this section shall not affect the operation of the direction while the appeal is pending.
- (4) The Vice-chancellor may delegate his powers under this section to a disciplinary board consisting of such members of the University as he may nominate.
- (5) Nothing in this section shall be construed as preventing the restriction or termination of a student's activities at the University otherwise than on the ground of misconduct.
- (6) A direction under subsection (1) (a) of this section may be combined with a direction under subsection (1) (b) of this section (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

PART V — MISCELLANEOUS AND GENERAL

Clause 19: Exclusion of discretion on account of race, religion, etc.

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

Amendment Proposed:

Leave out Clause 19 (2) (Hon. Sada Soli — Jibia/Kaita Federal Constituency).

Question that the amendment be made — Agreed to.

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

Clause 20: 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 President:

Provided that such consent shall not be required in the case of any lease or tenancy at a rack-rent for a term not exceeding 21 years or any lease or tenancy to a member of the University for residential purpose (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 21: Quorum and procedure of bodies established by this Bill.

Except as may be otherwise provided by statute or by regulations, the quorum and procedure of any body of persons established by this Bill shall be as determined by that body (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 22: Appointment of Committees, etc.

- (1) Anybody of persons established by this Bill shall, without prejudice Appointment of to the generality of the powers of that body, have power to appoint 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 functions as it may determine; and
 - (b) to co-opt members.
- (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) Except as may be otherwise provided by statute or by regulations, the quorum and procedure of a committee established or meeting held in pursuance of this section, shall be such as may be determined by the body or bodies which have decided to establish the committee or hold the meeting.
- (4) Nothing in the provisions of subsection (1), (2) and (3) of this section shall be construed as —
 - (a) enabling the statutes to be made otherwise than in accordance with section 1 of this Bill; or
 - (b) enabling the Senate to empower any other body to make regulations of the award degrees or other qualifications.
- (5) The Pro-Chancellor and the Vice-chancellor shall be members of every committee of which the members are wholly or partly appointed by the Council (other than a committee appointed to inquire into the conduct of the officer in question); and the Vice-chancellor shall be a member of every

committee of which the members are wholly or partly appointed by the Senate (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 23: Retiring age of staff of the University.

- (1) Notwithstanding anything to the contrary in the Pension Act, the compulsory retiring age of staff shall be as follows:
 - (a) Academic staff of the University in the non-Professional cadre shall be 65 years;
 - (b) Academic staff of the University in the Professional cadre shall be 70 years;
 - (c) Non-academic staff of the University shall be 65 years.
- (2) A law or rule requiring a person to retire from the public service after serving for 35 years shall not apply to academic staff of the University (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 24: Special provisions relating to pension of Professors.

- (1) An academic staff who retires as a professor in a recognized University shall be entitled to a pension at a rate equivalent to his annual salary provided that the professor has served continuously in a recognized University up to the retirement age.
- (2) Notwithstanding subsection (1), where the professor has not served up to the retirement age, he shall be entitled to the rate of pension mentioned under subsection (1) provided that he has served a minimum of 20 years as professor in a recognized University.
- (3) Where an academic joins a Nigerian University as a professor, such a professor shall have served continuously for at least 20 years in a recognized University (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

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 be authenticated by any member of the Council and by the Vice-Chancellor, secretary to the Council or any other person authorized by statute.
- (2) Any document purporting to be a document executed under the seal of the University shall be received in evidence and shall, unless the contrary is proved, be presumed to be so executed.
- (3) Any contract or instrument which if made or executed by a person not being a body corporate would not be required to be under seal, may be made or executed on behalf of the University by any person generally or specially authorized to do so by the Council.

- (4) The validity of any proceedings of anybody established in pursuance of this Bill shall not be affected by any vacancy in the membership of the body, or by any defect in the appointment of a member of the body or by reason that any person not entitled to do so took part in the proceedings.
- (5) Any member of any such body who has a personal interest in any matter proposed to be considered by that body shall forthwith disclose his interest to the body and shall 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 in pursuance of this Bill.
- (7) The power conferred by this Bill on anybody to make statutes or regulations shall include power to revoke or vary any statute (including the statute contained in the Third Schedule of this Bill) or any regulation by a subsequent statute or as the case may be, by a subsequent regulation and statutes and regulations may make different provisions in relation to different circumstances.
- (8) No stamp or other duty shall be payable in respect of any transfer of property to the University by virtue of section 8 or section 18 of this Bill or 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.

Pre-Action Notice.

- (10)
 - (a) No legal proceedings shall be instituted and /or commenced against the University or any of its agents in the course of their official duties unless a 3 months Pre-Action Notice of such intention is served on the University by an aggrieved party.
 - (b) The Notice shall state the reason and the cause of action intended to be taken against the University, the particulars of the claim, the name and place of abode of the intending plaintiff and the relief which he claims.
 - (c) For the avoidance of doubt, it is hereby declared that no suit shall be commenced against an officer or servant of the University, in any case where the University is vicariously liable for any alleged act, neglect or default of the officer or servant in the performance or intended performances of his duties, unless three months at least have elapsed after written notice of intention to commence the same shall have been served on the University by the intending plaintiff or his agent.
 - (d) In any suit against this University, no execution or attachment or process in the nature thereof shall be issued against the University, but any sums of money which may be judgment of the Court be awarded against the University shall, subject to any direction given by the Court where notice of appeal has been given by the University in respect of the said judgment, be paid by the University from its general fund.

Service of Notice.

- (11) Service upon the University of any notice, order or other document may be effected by delivering the same or by sending it by registered post addressed to the Registrar and Secretary of the Council (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 26: Interpretation.

- (1) In this Bill, unless the context otherwise requires:

"Campus" means any campus which may be established by each University (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

"College" means the Council established pursuant to section 2 (1) (g) of this Bill for the University (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

Question that the meaning of the word "College" 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 Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

"Minister" means the Minister charged with responsibility for matters relating to higher education (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

"Notice" means notice in writing (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama 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 Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

"Prescribed" means prescribed by statute or regulations (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama 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 Makki Yalleman — Mallam Madori/Kaugama 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 Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

"Provisional Council" means the provisional council appointed for the University (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

"Regulations" means regulations made by the Senate or the Council (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

"Senate" means the Senate of the University established pursuant to section 2 (1) (c) of this Bill (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

"School" means a unit of closely related academic programmes (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

"Statute" means a statute made by the University under section 11 of this Bill and in accordance with the provisions of section 12 of this Bill, and "the statutes" means all such statutes as are in force from time to time (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

"Teacher" means a person holding a full-time appointment as a member of the teaching or research staff of the University (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

"Undergraduate" means a person in statu pupil lariat the University other than —

- (a) a graduate; and
- (b) a person of such description as may be prescribed for the purpose of the definition (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

"University" means Nigeria Maritime University, Okerenkoko established under section 1 of this Bill (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

"Visitor" means the President of the Federal Republic of Nigeria (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

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

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

Clause 27: Short Title.

This Bill shall be cited as Nigeria Maritime University, Okerenkoko (Establishment) Bill, 2024 (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

SCHEDULES

FIRST SCHEDULE

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 beginning with the date of his appointment

The Vice-Chancellor

3. (1) The First Vice-Chancellor of the University who shall be appointed by the President while the subsequent Vice-Chancellors shall be appointed by the Governing Council in accordance with the provisions of the University Miscellaneous Act as amended 1993.
- (2) Where a vacancy occurs in the post of a Vice-chancellor, the Council shall —
 - (a) advertise the vacancy in a reputable journal or a widely read newspaper in Nigeria, specifying:
 - (i) the qualities of the persons who may apply for the post; and
 - (ii) the terms of conditions of service applicable to the post, and thereafter draw up a short list of suitable candidates for the post for consideration.
 - (b) constitute a Search Team consisting of:
 - (i) a member of the Council, who is not a member of the Senate, as chairman;
 - (ii) two members of the Senate who are not members of the Council, one of whom shall be a professor;
 - (iii) two members of Congregation who are not members of the Council one of whom shall be a professor, to identify and nominate for consideration, suitable persons who are not likely to apply for the post on their own volition because they felt that it is not proper to do so.
- (3) A Joint Council and Senate Selection Board consisting of:
 - (a) the Pro-Chancellor, as chairman;
 - (b) two members of the Council, not being members of the Senate;
 - (c) two members of the Senate who are professors, but who were not members of the Search Team, shall consider the candidates and persons in the short list drawn up under subparagraph (2) of this paragraph through an examination of their curriculum vitae and Interaction with them, and recommend to the Council suitable candidates for further consideration.
- (4) The Joint Council and Senate selection Board shall select three candidates from among the candidates recommended to it under subparagraph (3) of this paragraph and may indicate its order of preference.
- (5) The Council shall select and appoint as Vice-Chancellor one candidate from among the three candidates recommended thereafter inform the Visitor.

- (6) The Vice-Chancellor shall hold office for a single term of five years only on such terms and conditions as may be specified in his letter of appointment.
- (7) When the proposal for the removal of the Vice-Chancellor is made, the Council shall constitute a Joint Committee of Council and Senate consisting of:
 - (i) three members of the Council, one of whom shall be the Chairman of the Committee; and
 - (ii) two members of the Senate:

Provided that where the ground for removal is infirmity of the body or mind, the Council shall seek appropriate medical opinion.
- (8) The Committee shall conduct investigation into the allegation made against the Vice-Chancellor and shall report its findings to the Council.
- (9) The Council may where the allegations are proved remove the Vice-Chancellor or apply any other disciplinary action it may deem fit and notify the Visitor accordingly provided that a Vice-Chancellor who is removed shall have right of Appeal to the Visitor.
- (10) There shall be no sole administrator in the University.
- (11) In any case of a vacancy in the office of the Vice-Chancellor, the Council shall appoint an acting Vice-Chancellor on recommendation of the Senate.
- (12) An acting Vice-Chancellor in all circumstances shall not be in office for more than 6 months.

Deputy Vice-Chancellors

- 4. (1) There shall be for the University such number of Deputy Vice-Chancellors as Council may from time to time, deem necessary for the proper administration of the University.
- (2) Where a vacancy occurs in the post of Deputy Vice-chancellor, the Vice-chancellor shall forward to the Senate a list of two candidates for each post of Deputy Vice-Chancellor that is vacant.
- (3) The Senate shall select for each vacant post one candidate from each list forward to it under subparagraph (2) of this paragraph and forward his name to the Council for confirmation.
- (4) A Deputy Vice-chancellor shall:
 - (a) assist the Vice-chancellor in the performance of his functions;
 - (b) act in the place of the Vice-Chancellor when the post of the Vice-Chancellor is vacant or if the Vice-Chancellor is, for any reason, absent or unable to perform his functions as Vice-Chancellor; and
 - (c) perform such other functions as the Vice-chancellor of the Council may, from time to time, assign to him.
- (5) A Deputy Vice-Chancellor:

- (a) shall hold office for a period of two years beginning from the effective date his appointment and on such terms and conditions as may be specified in his letter of appointment; and
- (b) may be reappointed for one further period of two years and no more;
- (c) may be removed from office for good cause by the Council acting on the recommendations of the Vice-Chancellor and Senate;
- (d) "Good cause" for the purpose of this section means gross misconduct or inability to discharge the functions of his office arising from infirmity of the body or mind.

Office of the Registrar

- 5. (1) There shall be for each University, a Registrar, who shall be the chief administrative officer of the University and shall be responsible to the Vice-chancellor for the day-to-day administrative work of the University except as regards matters for which the Bursar is responsible in accordance with paragraph 6 (2) of this Schedule.
- (2) The person holding the office of the Registrar shall by virtue of that office be (3) Secretary to the Council, the Senate, Congregation and Convocation.

Other Principal Officers of the University

- 6. (1) There shall be for each University the following principal officers, in addition to the Registrar, that is —
 - (a) the Bursar; and
 - (b) the University Librarian, who shall be appointed by the Council on the recommendation of the Selection Board constituted under paragraph 7 of this Schedule.
- (2) The Bursar shall be the Chief Financial Officer of the University and responsible to the Vice-chancellor for the day-to-day administration and control of the financial affairs of the University.
- (3) The University Librarian shall be responsible to the Vice-chancellor for the administration of the university library and the co-ordination of the library services in the University and its campuses, colleges, faculties, schools, departments, institutes and other teaching or research units.
- (4) Any question as to the scope of the responsibilities of the aforesaid officers shall be determined by the Vice-chancellor.

Selection Board for other Principal Officers

- 7. (1) There shall be, for the University, a Selection Board for the appointment of principal officers, other than the Vice-chancellor or Deputy Vice-chancellor, which shall consist of —
 - (a) the Pro-Chancellor, as chairman;
 - (b) the Vice-chancellor;

- (c) four members of the Council not being members of the Senate; and
 - (d) two members of the Senate.
- (2) The functions, procedure and other matters relating to the Selection Board constituted under subparagraph (1) of this paragraph shall be as the Council may, from time to time, determine.
- (3) The Registrar, Bursar or Librarian shall hold office for a single term of five years only beginning from the effective date of his appointment and on such terms and conditions as may be specified in his letter of appointment.
- (4) Notwithstanding subsection (3) of this section, the Council may, upon satisfactory performance, extend the tenure of the Registrar, Bursar or Librarian for a further period of one year only and thereafter such principal officer shall relinquish his post and be assigned to other duties in the University.

Resignation and Reappointment

8. (1) Any officer mentioned in the foregoing provisions of this Schedule may resign his office —
- (a) in the case of the Chancellor or Pro-Chancellor, by notice to the President;
 - (b) in any other case, by notice to the Council and the Council shall, in the case of the Vice-chancellor, immediately notify the Minister.
- (2) Without prejudice to paragraph 4 of this Schedule, a person who has ceased to hold an office so mentioned otherwise than by removal for misconduct shall be eligible for re-appointment to that office (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

SECOND SCHEDULE

TRANSITIONAL PROVISIONS AS TO PROPERTY, FUNCTIONS, ETC.

Transfer of Property to University

1. Without prejudice to the generality of section 9 (1) of this Bill —
- (a) the reference in that subsection to property held by the Provisional Council 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;
 - (b) all debts and liabilities of the provisional council outstanding shall become debts or liabilities of the University.
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 had been a party thereto in place of the provisional council.
- (2) Documents not falling within subparagraph (1) of this paragraph, including enactment" which refer, whether specially or generally, to the provisional council, shall be construed in accordance with that sub-paragraph so far as applicable.

- (3) Any legal proceedings or application to any authority pending by or against the provisional council may be continued by or against the University.

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 or any other matter) apply, with necessary modifications, to the property aforesaid.
- (2) It shall be the duty of the body to which any property is transferred by this Bill to furnish the necessary particulars of the transfer to the proper officer of the registration authority, and of that officer to register the transfer accordingly.

Transfer of Functions, etc.

4. (1) The first meeting of the Council shall be convened by the Pro-Chancellor on such date and in such manner as he may determine.
- (2) The persons who were members of the provisional council shall be deemed to constitute the Council until the date when the Council as set up under the Third Schedule to this Bill shall have been duly constituted.
- (3) The first meeting of the Senate as constituted by this Bill shall be convened by the Vice-chancellor on such date and in such manner as he may determine.
- (4) The person who were members of the Senate immediately before the coming into force of this Bill shall be deemed to constitute the Senate of the University until the date when the Senate as set up under the Third Schedule to this Bill shall have been duly constituted.
- (5) Subject to any regulations which may be made by the Senate after the date on which this Bill is made, the schools, school boards and students of the University immediately before the coming into force of this Bill shall on that day become schools, school boards and students of the University as constituted by this Bill.
- (6) Persons who were Deans or associate Deans of schools or members of school boards shall continue to be Deans or associate Deans or become members of the corresponding school boards, until new appointments are made in pursuance of the statutes.
- (7) Any person who was a member of the staff of the University as established or was otherwise employed by the provisional council shall become the holder of an appointment at the University with the status, designation and functions which correspond as nearly as may be to those which appertained to him as member of that staff or as such an employee (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

THIRD SCHEDULE

NIGERIA MARITIME UNIVERSITY, OKERENKOKO

Statute No. 1

ARRANGEMENT OF ARTICLES

Articles:

1. The Council.
2. The Finance and General Purposes Committee;
3. The Senate
4. The Congregation.
5. Convocation.
6. Division of schools.
7. School Boards.
8. Dean of the School.
9. Selection of certain principal officers.
10. Creation of academic posts.
11. Appointment of academic staff.
12. Appointment of administrative and professional staff.
13. Interpretation.
14. Short Title.

The Council

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

The Finance and General Purposes Committee

2. (1) The Finance and General Purposes Committee of the Council shall consist of:

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

Annual budget and estimates, etc.

- (4) (i) The estimates of income and expenditure for a financial year shall be presented by the Vice-Chancellor to the Council and may be approved by the Council before the beginning of that financial year:

Provided that the Vice-Chancellor may during any financial year present and the Council may supplementary estimates of income or expenditure.

- (ii) The annual and supplementary estimates shall be prepared in such form and shall contain such information as the Council may direct.

Gifts, donations, etc.

- (5) (i) The Council may on behalf of the University accept by way of grants, gifts, testamentary disposition or otherwise, property and money in aid of the finances of the University on such conditions as it may approve.
- (ii) Registers shall be kept of all donations to the University including the names of donors and any special conditions under which any donation may have been given:

Provided that the University shall not be obliged to accept a donation for a particular purpose unless it approves of the terms and conditions attached to such donation.

- (iii) All property, money or funds donated for any specific purposes shall be applied and administered in accordance with the purposes for which they are donated and shall be accounted for separately.

Payment into bank

- (6) All sums of money received on account of the University shall be paid into such bank as may be approved by the Council for the credit of the University's general, current or deposit account:

Provided that the Council may invest, as it deems fit, any money not required for immediate use other than donations of money referred to in subsection (1) of this section.

Audit

- (7) (i) The Council shall cause the accounts of the University to be audited by auditors appointed by the Council as soon as may be after the end of each financial year or for any such other period as the Council may require.
- (ii) The appointment and other matters relative to the auditors, their continuance in office and their functions, as the case may be, shall, subject to the provisions of this section, be prescribed by statute.

The Senate

- 3. (1) The Senate shall consist of:
 - (i) the Vice-chancellor;
 - (ii) Deputy Vice Chancellors;
 - (iii) all Professors of the University;
 - (iv) all Deans, Provosts, and Directors of Academic Units of the University;
 - (v) all Heads of Academic Departments, Units and research institutes of the University;
 - (vi) the Librarian;
 - (vii) all Academic Members of the Congregation who are not Professors as specified in the law of the University;
 - (viii) such teachers, not being more than one third of the, total number of non-elected members, elected by Congregation and at least one of whom shall come from each school; and
 - (ix) two members representing a variety of interests of the professional bodies outside the University appointed by the Senate on the recommendation of the Vice-chancellor.
- (2) The Vice-chancellor shall be the chairman at all meetings of the Senate when he is present, and in his absence any of the Deputy Vice-Chancellors present at the meeting as the Senate may appoint for that meeting shall be the Chairman at the meeting.
- (3) The quorum of the Senate shall be one quarter or the nearest whole number less than one quarter; and subject to paragraph (2) of this article, the Senate may regulate its own procedure.
- (4) All elected member may, by notice to the Senate, resign his office.
- (5) Subject to paragraph (7) of this article, there shall be elections for the selection of elected members which shall be held in the prescribed manner on such day in the month of May or June in each year as the Vice-chancellor may from time to time determine.
- (6) An elected member shall hold office for the period of two years beginning with 1st August in the year of his election, and may be a candidate at any election held in

pursuance of paragraph (5) of this article in the year in which his period of office expires so however that no person shall be such a candidate if at the end of his current period of office he will have held office as all elected member for a Continuous period of six years or would have so held office if he had not resigned it.

- (7) No election shall be held in pursuance of this article in any year if the number specified in the certificate given in pursuance of paragraph (10) of this article does not exceed by more than one the figure which is thrice the number of those elected members holding office on the date of the certificate who do not vacate office during that year in pursuance of paragraph (6) of this article.
- (8) For the avoidance of doubt it is hereby declared that no person shall be precluded from continuing in or taking office as all elected member by reason only of reduction in the number of non-elected members occurring on or after 30 April in any year in which he is to continue in or take office as all elected member.
- (9) If so requested in writing by any fifteen members of the Senate, the vice-chancellors or in his absence any of the Deputy Vice Chancellors duly appointed by him, shall convene a meeting of the Senate to be held not later than the tenth day following that on which the request was received.
- (10) In this article "total of non-elected members" means as respect any year, such number as may be certified by the Vice-chancellor on 30 April of that year to be the number of persons holding office as members of the Senate on that day otherwise than as elected members.

Congregation

4. (1) Congregation shall consist of:
 - (i) Vice-chancellor and the Deputy Vice Chancellors;
 - (ii) the full -time members of the academic staff;
 - (iii) the Registrar;
 - (iv) the Bursar;
 - (v) the Librarian;
 - (vi) the Director of Works;
 - (vii) the Director of Health Services; and
 - (viii) every member of the administrative staff who holds a degree, other than honorary degree, of any University recognized for the purposes of this statute by the Vice-Chancellor.
- (2) Subject to section 4 of this Bill, the Vice-chancellor shall be the chairman at all meetings of Congregation when he is present; and in his absence any of the Deputy Vice Chancellors present at the meeting as Congregation may appoint for that meeting, shall be the chairman at the meeting.
- (3) The quorum of Congregation shall be one third or the whole number nearest to one third of the total number of members of Congregation of fifty, whichever is less.

- (4) A certificate signed by the Vice-Chancellor specifying:
 - (a) the total number of members of Congregation for the purpose of any particular meeting or meetings of Congregation; or
 - (b) the names of the persons who are members of Congregation during a particular period, shall be conclusive evidence of that number or, as the case may be, of the names of those persons.
- (5) Subject to the foregoing provisions of this article, Congregation may regulate its own procedure.
- (6) Congregation shall be entitled to express by resolutions or otherwise its opinion on all matters affecting the interest and welfare of the University and shall have such other functions, in addition to the function of electing a member of the Council, as may be provided by statute or regulations.

Convocation

- 5. (1) Convocation shall consist of:
 - (i) the officers of the University mentioned in the First Schedule to this Bill;
 - (ii) all teachers within the meaning of this Bill;
 - (iii) all other persons whose names are registered in accordance with paragraph (2) of this article.
- (2) A person shall be entitled to have his name registered as a member of convocation if 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 for the registration of his name in the prescribed manner and pay the prescribed fees.
- (3) Regulations shall provide for the establishment and maintenance of a register for the purpose of this paragraph and subject to paragraph (4) of this article may provide for the payment, from time to time, of further fees by persons whose names are on the register and for the removal from the register of the name of any person who fails to pay those fees.
- (4) The person responsible for maintaining the register shall, without the payment of any fees ensure that the names of all persons who are for the time being members of the Convocation by virtue of paragraph (a) or (b) of this article are entered and retained on the register.
- (5) A person who reasonably claims that he is entitled to have his name on the register shall be entitled on demand to inspect the register or a copy of the register at the principal times of the University at all reasonable times.
- (6) The register shall, unless the contrary is proved, be sufficient evidence that any person named therein is not, a member of Convocation; but for the purpose of ascertaining whether a particular person was such a member on a particular date, any entries in and deletions from the register made on or after that date shall be disregarded.

- (7) The quorum of Convocation shall be fifty or one third or the whole number nearest to one third or the whole number of members of Convocation whichever is less.
- (8) Subject to section 4 of the Bill, the Chancellor shall be chairman at all meetings of Convocation when he is present, and in his absence the Vice-chancellor shall be the chairman at the meeting.
- (9) Convocation shall have such functions, in addition to the function of appointing a member of the Council, as may be provided by statute or regulations.

Division of Faculties/Schools

6. The faculties' shall be divided into such number of branches as may be prescribed.

Faculties/School Boards

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

Deans of the Faculties/Schools

8. (1) The Board of Provost shall, at a meeting in the last term of any academic year which the term, of office of the Dean express, nominate one of, its members, being one of the professors assigned to that teaching unit, for appointment by the Senate as Dean of the school.
- (2) The person appointed under paragraph 1 of this article shall act as Dean of the

faculty and chairman of all meetings of the University board when he is present and shall be a member of all committees and other boards appointed by the University.

- (3) The Dean shall hold office for two years and shall be eligible for reappointment One further period of two years, thereafter he shall not be eligible for reappointment.
- (4) The Dean of a faculty shall exercise general superintendence over the academic and administrative affairs of the University.
- (5) It shall be the function of the Dean to present to Convocation for the conferment of degrees persons who have qualified for the degrees of the University at examination held in the branches of learning for which responsibility is allocated to the University.
- (6) There shall be a committee to be known as the Committee of Deans consisting of all the Deans of the several faculties and that Committee shall advise the Vice-chancellor on all academic matters and on particular matters referred to the University by the Senate.
- (7) The Dean of faculty/school may be removed from office for good cause by the faculty/school board after a vote would have been taken at a meeting of the board, and in the event of a vacancy occurring following the removal of a Dean, an acting Dean may be appointed by the Vice-chancellor provided that at the next school board meeting an election shall be held.
- (8) In this article good cause" has the same meaning as in section 14(3) of the Bill.

. Selection of Director of Works

9. (1) When a vacancy occurs in the office of the Director of Works, a selection board shall be constituted by the council which shall consist of:
 - (a) the Pro-Chancellor;
 - (b) the Vice-chancellor;
 - (c) two members appointed by the Council, not being members of the Senate;
 - (d) two members appointed by the Senate.
- (2) The selection board after making such inquiries as it thinks fit, shall recommend a candidate to the Council for appointment to the vacant office; and after, considering the recommendation of the board the Council may make an appointment to that office.

Creation of Academic Posts

10. Recommendations for tile creation of academic posts other than principal officers shall be made by the Senate to the council through the Finance and General purposes Committee.

Appointment of Academic Staff

11. (1) Subject to the Bill and statutes, the filling of vacancies in academic posts (including newly created ones) shall be the responsibility of the Senate.
- (2) For the purpose of filling such vacancies, suitable selection boards to select and make appointments on behalf of the Council shall be set up.

- (3) For appointment to professorships, associate professorship or readerships or equivalent posts, a board of selection, with power to appoint, shall consist of:
- (a) the Vice-chancellor;
 - (b) two members appointed by the Council;
 - (c) four members appointed by the Senate, at least two of whom shall be members of the Senate, while the other two members shall be professional peers in the professional area in which an appointment is to be considered;
 - (d) if the post is tenable at a faculty/school, the Dean of the faculty/school;
 - (e) if the post is within a school, institute or other teaching unit in the University, the Dean of the school or the teaching unit, or the director of the institute, as the case may be; and
 - (f) such other persons, not exceeding two in number, deemed capable of helping the board in assessing both the professional and academic suitability of a candidate under consideration, as the Senate may from time to time appoint.
- (4) For other academic posts, a selection board, with power to appoint, shall consist of:
- (a) the Vice-chancellor;
 - (b) four members appointed by the Senate, at least two of whom shall be members of the Senate, while the other two members shall be professional peers in the professional area in which an appointment is to be considered;
 - (c) if the post is tenable at a faculty/school, the Dean of faculty/school;
 - (d) if the post is within a school, institute or other teaching unit in the University, the Dean of the school or the teaching unit or the director of the institute, as the case may be; and
 - (e) such other persons, not exceeding two in number, deemed capable of helping the board in assessing both the professional and academic suitability of a candidate under consideration, as the Senate may from time to time appoint.
- (5) All appointments to senior library posts shall be made in the same way as equivalent appointments in the academic cadre; and for all such posts other than that of the Librarian, the Librarian shall be a Member of the selection Board.
- (6) Boards of selection may interview candidates directly or consider the reports of specialist interviewing panels and shall in addition, in the case of professorships, associate professorship, readerships or equivalent posts, consider the reports of external assessors relevant to the area in which the appointment is being considered.

Appointment of Administrative and Professional Staff

12. (1) The administrative and professional staff of the University other than principal officers shall be appointed by the Council on its behalf by the vice-chancellors or the Registrar in accordance with delegation of any powers made by the Council in that behalf.
- (2) In the case of administrative or professional staff who have close and important

connection with the academic staff, there shall be Senate participation in the process of selection.

Interpretation

13. This Statute, the expression "the Act" means the Nigeria Maritime University, Okerenkoko Bill and any word or expression defined in the Bill has the same meaning in this Statute.

Short Title

14. Statute may be cited as Nigeria Maritime University, Okerenkoko Statute No. 1 (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama 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 Nigeria Maritime University, Okerenkoko, Delta State by providing the requisite legal framework and make provisions for its due management general administration (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

Agreed to.

Long Title:

A Bill for an Act to Establish the Nigeria Maritime University, Okerenkoko, Delta State and for Related Matters (SB.75) (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama 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 Provide for Establishment of Nigerian Maritime University, Okerenkoko and for Related Matters (SB. 75) and Clauses 1 - 18, approved Clause 19 as amended, approved Clauses 20 - 27, the Schedules, the Explanatory Memorandum and 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 Repeal the Medical and Dental Practitioners Act, Cap. M8, Laws Federation of Nigeria, 2004; and Enact the Medical and Dental Practitioners Bill and for Related Matters (HB.1043) (Committee of the Whole):***

Motion made and Question proposed, "That the House do consider the Report on a Bill for an Act to Repeal the Medical and Dental Practitioners Act, Cap. M8, Laws Federation of Nigeria, 2004; and Enact the Medical and Dental Practitioners Bill and for Related Matters (HB.1043)" (Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama 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 MEDICAL AND DENTAL
PRACTITIONERS ACT, CAP. M8, LAWS FEDERATION OF NIGERIA, 2004;
AND ENACT THE MEDICAL AND DENTAL PRACTITIONERS BILL;
AND FOR RELATED MATTERS (HB.1043)

PART I — ADMINISTRATIVE

Clause 1: Establishment of the Council.

- (1) There is established the Medical and Dental Council of Nigeria (in this Bill referred to as "the Council").
- (2) The Council:
 - (a) is a body corporate with perpetual succession and a common seal;
 - (b) may sue and be sued in its corporate name; and
 - (c) may acquire, hold, or dispose of any property, movable or immovable, for the purpose of performing any of its functions under this Bill.
- (3) The head office of the Council shall be in the Federal Capital Territory.
- (4) The Council may establish offices in each State of the Federation and the Federal Capital Territory (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 2: Functions of the Council.

Notwithstanding the provision of any other Act to the contrary, the Council shall, to the exclusion of any other person or body:

- (a) determine the standard of knowledge and skills to be attained by a person seeking to become a member of the medical or dental profession;
- (b) review, from time to time as the Council deems fit, the standard of knowledge and skills determined by the Council;
- (c) subject to the provisions of this Bill, establish and maintain a register of persons entitled to practise as members of the medical or dental profession in Nigeria;
- (d) make rules with respect to the types of, and the keeping of the register of, persons and the making of entries therein;
- (e) specify, from time to time, the fees to be paid by a person who possesses the qualifications and has applied to be registered;
- (f) publish, from time to time with such modification as necessary, the register maintained by the Council under paragraph (c) of this subsection;
- (g) prepare and issue, from time to time, a code of conduct and ethics, which the Council considers desirable for the profession of medicine and dentistry in Nigeria;

- (h) supervise, regulate, and control the practise of homeopathy and other forms of alternative medicine;
- (i) make regulations for the operation of clinical laboratory practise in the field of pathology which includes histopathology, forensic pathology, autopsy and cytology, clinical cytogenetics, hematology, medical micro-biology and medical parasitology, clinical chemistry, immunology, medical virology, and any other branch of pathology as may be determined from time to time by the Council;
- (j) supervise and control the training, certification and practise of assisted reproductive technology including, but not limited to surrogacy, embryo transfer, embryo manipulation and related practises; and
- (k) perform any other function that is necessary to give effect to the provisions of this Bill (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 3: Composition of the Council.

The Council shall consist of:

- (a) a Chairman;
- (b) a Vice Chairman to be elected from amongst members;
- (c) two representatives of the Federal Ministry of Health who are registered medical practitioners or dental surgeons, one of which shall be the Director of Hospital Services;
- (d) the Chief Medical Officer (however designated) of each State of the Federation and the Federal Capital Territory;
- (e) a representative of the:
 - (i) Armed Forces Medical Services, and
 - (ii) National Medical College of Nigeria;
- (f) two representatives of:
 - (i) Colleges of Medicine and Health Sciences in the Country to be appointed by the Minister in rotation of two of years each, from among the Provosts of such Colleges, but no two of such persons shall be from the same University or State, and
 - (ii) tertiary hospitals where training of medical or dental students, postgraduate medical or dental training is conducted to be appointed by the Minister in rotation of two years each, from among the chairmen of medical advisory committee or equivalent position, but no two of such persons shall be from the same State;
- (g) two representatives of private practitioners of medicine and dentistry nominated by the Association of General Medical and Private Practitioners of Nigeria;

- (h) ten representatives nominated by the Nigerian Medical Association but at least two shall be private medical practitioners;
- (i) three representatives nominated by the Nigerian Dental Association;
- (j) a representative of alternative medicine practitioners appointed by the Minister; and a pathologist and a radiologist to be appointed by National Medical College of Nigeria (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 4: Appointment and Tenure.

- (1) The appointment of the Chairman and members of the Council, other than *ex-officio* members shall be made by the President.
- (2) The Vice Chairman of the Council shall be elected from among the members by all members by a simple majority vote at the first meeting of the Council after its inauguration.
- (3) The Chairman shall reserve the casting vote and shall not participate in the election of the Vice Chairman other than to conduct it.
- (4) The Chairman and members of the Council shall, subject to the provisions of this Bill:
 - (a) hold office for a term of four years in the first instance; and
 - (b) may be reappointed for another term of four years and no more (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 5: Resignation and Removal.

- (1) The Chairman or a member of the Council, other than an *ex-officio* member, may, by notice duly signed and addressed to the Registrar, resign from the Council.
- (2) The Vice Chairman elected under section 6 (2) may resign or be removed from the position by a simple majority of members of the Council.
- (3) The removal of the Vice Chairman shall be in accordance with the procedure as may be provided in the Standing Orders and Rules of the Council:

Provided that the resignation or the removal shall not affect the membership of such person from the Council (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 6: Filling of Vacancy.

- (1) Where the Chairman ceases to be Chairman of Council, by any reason other than as provided in section 5 of this Bill, the President shall, in accordance with the provisions of this Bill, appoint another person to complete the tenure of the Chairman.

- (2) Where a person other than the Chairman ceases to be a member of the Council, by any reason other than as provided under section 5, the body or person responsible for the nomination or appointment of such person shall nominate another person, in accordance with section 6 of this Bill, to complete the tenure.
- (3) The President may remove from office the Chairman or any member of the Council other than ex-officio members if he is satisfied that it is in the interest of the public to do so and the perpetuity of the Council shall be maintained (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 7: Requirement as to Practise.

A person shall not be a member of the Council unless that person:

- (a) is registered as a medical practitioner or dental surgeon by the Council; and
- (b) has no impairment as to fitness to practise at the point of appointment (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 8: Appointment of Registrar of the Council.

- (1) There shall be a Registrar of the Council who is responsible for the day-to-day management of the human, financial and material resources of the Council in accordance with this Bill.
- (2) The Registrar shall be appointed by the Council (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 9: Qualifications of Registrar.

- (1) A person is qualified to be appointed as Registrar if the person:
 - (a) is fully registered as a medical practitioner or dental surgeon of at least 15 years post registration; and
 - (b) possesses reasonable cognate administrative experience in human resources and health matters.
- (2) The Registrar shall hold office for a term of four years renewable, subject to satisfactory performance, for another term of four years and no more.
- (3) The Registrar shall be paid such emoluments as may be determined by the Council provided that such emoluments shall not be less than those payable to the heads of agencies of the Government of the Federation (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 10: Duties of the Registrar.

In addition to any other duty conferred by any provision of this Bill, the Registrar shall:

- (a) establish and maintain such number of registers of medical practitioners and dental surgeons in accordance with the rules made by the Council;
- (b) record the names, gender, age, address of practise, qualifications and such other particulars of all persons qualified to practise as medical practitioners or dental surgeons, as the Council may direct in accordance with the provisions of this Bill;
- (c) on the directive of the Council:
 - (i) make corrections or alterations with respect to the record of any person whose name is in the relevant register, or
 - (ii) remove from the relevant register the name of any person whose name and particulars are in any of the registers being maintained in accordance with provision of this Bill,
 - (iii) transfer the name of a person from one register to another,
- (d) cause the registers of medical practitioners and dental surgeons to be printed, published and put on sale to members of the public and displayed at the appropriate electronic platforms at all times with such modifications, corrections, and alterations to the registers in accordance with the provisions of this Bill; and
- (e) cause a print of each edition of the registers to be kept at the head office, State offices of the Council and any other office as may be directed by the Council (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 11: Other Staff of the Council.

- (1) The Council may appoint, from time to time, such other staff as may be required for the purposes of the efficient performance of its functions under this Bill.
- (2) The Council has power to promote and discipline all staff of the Council.
- (3) The Council shall pay remuneration (including pensions), allowances or expenses to any member and staff of the Council or any other person in accordance with scales determined by the Council (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

PART II — FINANCIAL PROVISIONS**Clause 12: General Fund of the Council.**

- (1) There is established the Medical and Dental Council of Nigeria General Fund (in this Bill referred to as "the Fund") for the day-to-day administration of the Council and into which shall be paid:

- (a) funds appropriated annually by the National Assembly; and such funds as the Council may receive as grants, gifts, fees or otherwise in accordance with provisions of this Bill or any other law (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 13: Annual Account and Audit.

- (1) The Council shall prepare and submit to the Minister, not later than 31st day of August of the year, an estimate of its expenditure and income during the next succeeding year as may be directed by extant circulars of the Federal Government.
- (2) The Council shall keep proper records of accounts in respect of each financial year and shall cause its accounts to be audited not later than 31st day of May of the next succeeding year to which the accounts relate by a firm of auditors approved, with respect to that year, by the Council.
- (3) The auditors to be approved by the Council shall be in accordance with the provision of section 85 (3) of the Constitution of the Federal Republic of Nigeria (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 14: Power to Borrow Money.

The Council may borrow money, acquire or dispose of any property in accordance with the provisions of this Bill or any other law for the time being in force with respect to borrowing power of government agencies (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 15: Power to accept gift.

- (1) The Council may accept gifts of land, money or other property upon such terms and conditions, if any, as may be specified by the person or organisation making the gift.
- (2) The Council shall not accept any gift if the conditions attached by the person or organisation making the gift are inconsistent with the functions of the Council (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

PART III: SUBSTANTIVE PROVISIONS

Clause 16: Registers.

- (1) The Council shall maintain separate registers for medical practitioners and dental surgeons in accordance with provisions of this section.
- (2) The registers to be maintained by the Council are:
 - (i) Provisional Register;

- (ii) Full Register;
- (iii) Specialist Register;
- (iv) Limited or Temporary Register;
- (v) Exit Register; and
- (vi) Suspension Register (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 17: Regulations with respect to register.

The Council may, from time to time, make regulations specifying the qualifications, fees to be paid and mode of application to be made for the entry of a person's name into any of the registers maintained by the Council (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 18: Removal of a name from the register.

- (1) Subject to the provisions of this Bill and direction of the Council, the Registrar shall cause the name of any person to be removed from the register if:
 - (a) the person is dead;
 - (b) the person is registered for a limited time and the time has elapsed; or
 - (c) the person is provisionally registered and has qualified or failed to qualify for full registration.
- (2) Nothing in subsection (1) of this section shall preclude the Registrar from removing the name of any person from any of the registers in compliance with an order of the tribunal.
- (3) Where the Registrar sends a correspondence either by registered post, email or any other form of correspondence to a registered person with respect to any thing concerning the registration of such person, the person shall, within 30 days of postage or sending of such correspondence:
 - (a) respond to the issues raised in the correspondence.
- (4) Where no response is received within the specified time under subsection (3) of this section, the Registrar shall remove the name of such person from the register if no response is received within 14 days after similar correspondence is sent by the Registrar for the second time.
- (5) The Registrar shall, by the direction of the Council, restore the name of any person removed from the Register pursuant to the provisions of this Bill.
- (6) The Registrar shall give notice in writing by registered post email or any other form of correspondence to any medical practitioner or dental surgeon concerned with respect to the removal of the person's name from any of the

registers under this section (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 19: Registration of Medical Practitioners and dental surgeon.

Subject to the provisions of this Bill and any other rule made by the Council, a person is entitled to be fully registered as a medical practitioner or as a dental surgeon if the person:

- (a) has attended a course of training approved by the Council in one or more approved institutions with respect to either medical or dental profession and obtained an approved qualification; and
- (b) holds a certificate of experience issued under Section 33 of this Bill (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 20: Provisional Registration.

- (1) A person, who has obtained an approved medical or dental qualification and satisfies the Registrar that the person is of good character and is about to be employed for the purpose of obtaining certificate of experience under this Bill, shall, subject to the rules made by the Council, be entitled to be provisionally registered as a medical practitioner or dental surgeon.
- (2) A person who is provisionally registered shall, for the purposes of employment at any recognised institution with a view to obtaining a certificate of experience, but not for any other purpose, be deemed to be fully registered (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 21: Limited Registration.

- (1) Where a person other than a Nigerian satisfies the Council that the person:
 - (a) is a registered medical practitioner or dental surgeon in any country other than Nigeria,
 - (b) has been selected for employment for a specified period in an approved hospital or in an approved institution in Nigeria in the capacity of a medical practitioner or dental surgeon,
 - (c) intends to be in Nigeria for a limited period for the purposes of the employment in question,
 - (d) has passed the assessment examination, of the Council, if any, or
 - (e) has submitted all his relevant training and working documents, where applicable, and reference letter from the head of his current or last employer, as the case may be, the Council may, if it deems fit, give a direction that the person shall be registered for a limited period as a medical practitioner or as a dental surgeon.

- (2) The registration of a person for a limited period shall:
 - (a) continue only while the person is in such employment for the purpose of which the limited registration is granted; and
 - (b) cease on the termination of the employment or the period specified by the Council, whichever is earlier.
- (3) Nothing in subsection (2) of this section shall preclude the Council from giving a further extension of the limited registration under subsection (1) of this section in respect of the expiration of a specified period and whose commencement coincides with the expiration of another such period.
- (4) A person registered in accordance with the provisions of this section shall, in relation to the employment for the purpose of which the limited registration is granted, and to things done or omitted to be done in the course of that employment, be deemed to be fully registered, but in relation to all other matters shall be treated as not so registered.
- (5) No person or group of persons with limited registration shall be allowed to manage any health institution independently.
- (6) In the case of doubt as to whether a person's employment has been terminated, the decision of the Council shall be conclusive for the purposes of this section.
- (7) In case of dental emergency, in the absence of a qualified and registered dental surgeon, a medical practitioner may stabilize a dental patient before referral to the nearest available dental surgeon (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 22: Practicing License.

- (1) Every registered medical practitioner or dental surgeon shall obtain a practising license for each year after paying to the Council, the prescribed fees as may be determined from time to time by the Council.
- (2) Every medical practitioner or dental surgeon that has been issued with a practising license as provided under subsection (1) shall obtain a practising seal from the Medical and Dental Council of Nigeria.
- (3) The Council shall share the aggregate amount collected as practising fee during the year as follows:
 - (a) 70% to the Nigerian Medical Association; and
 - (b) 30% to the Council (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 23: Exemption.

A registered medical practitioner or dental surgeon is exempted from payment of practising fee where the person is:

- (a) fully registered and has attained the age of 70 years; or
- (b) undergoing the mandatory National Service under the National Youth Service Corps Scheme (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 24: Default in payment of practicing fees.

- (1) Where a registered medical practitioner or dental surgeon defaults in the payment of practising fees prescribed by the Council, and practises within that period, the person shall:
 - (a) pay the outstanding practising fee to the Council;
 - (b) in the case of default, be levied an amount twice the prescribed practising fee for every year of default.
- (2) A registered medical practitioner or dental surgeon who contravenes sections 23 (1) of this Bill and is in the employment of a person, the employer is also liable to pay to the Council an amount not less than five times the prescribed practising fees for every year of default (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 25: Approval Institutions.

Subject to the provisions of this Bill, the Council may give approval to any institution in Nigeria which it considers properly organised and equipped, for conducting the whole or any part of a course of training approved by the Council under this Bill (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 26: Approval of courses and qualification.

The Council, for the purpose of this Bill, has power to:

- (a) approve any course of training intended for persons who are seeking to become, or are already members of the medical or dental profession, and which the Council considers is designed to confer on the persons sufficient or additional knowledge and skill for the practise of the profession or for practise of a specialized branch of the profession;
- (b) approve any qualification which, as a result of an examination taken in conjunction with a course of training approved by the Council under this section is granted to candidates reaching a standard at the examination indicating, in the opinion of the Council that they have sufficient knowledge and skill to practise medicine or dentistry or to practise as members of a specialized branch of the professions; and
- (c) determine the minimum qualifications for persons engaged or to be engaged in the training of persons seeking to become medical practitioners or dental surgeons (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 27: Designation of qualification.

- (1) The Council shall not, in pursuance of section 25 of this Bill, approve a qualification granted by an institution in Nigeria with respect to persons seeking to be members of the medical or dental profession unless the qualification bears:
 - (a) Bachelor of Medicine and Surgery; or
 - (b) Bachelor of Dental Surgery.
- (2) The Council shall, in pursuance to section 27 of this Bill, not approve a qualification granted by an institution in Nigeria with respect to medical practitioners or dental surgeons seeking to become members of a specialised branch of medicine or dentistry unless the qualification bears:
 - (a) a Fellowship of a Postgraduate Medical College of Nigeria or its equivalent recognized by the Council; and
 - (b) any other appellation as may be determined by the Council from time to time.
- (3) Nothing in this subsection precludes the Council from approving qualifications specifying specialisation by medical practitioners or dental surgeons in the clinical, or basic medical and dental sciences (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 28: Assessment of Examination for registration.

- (1) The Council may institute an assessment examination for holders of foreign medical or dental qualifications recognised by the government of the countries from where such qualifications were obtained before granting registration to the holders of such qualification to practise medicine or dentistry in Nigeria.
- (2) The holders of foreign medical or dental qualifications may be required to show evidence of at least provisional registration to practise in the country of training, and/or clinical attachment for not less than one year in a Nigerian teaching hospital or similar institution in Nigeria, before sitting for the assessment examination.
- (3) The Council shall determine from time to time foreign graduates who shall be required to undergo the clinical attachment referred to in subsection (2) of this section (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 29: Withdrawal of Approval for institution, course or qualification.

- (1) The Council may, if it deems fit, withdraw any approval given under this Bill in respect of any institution, course, or qualification.
- (2) The Council shall, before exercising the powers conferred on it by this section:

- (a) give notice that it proposes to do so to each person by whom the course is conducted, or the qualification is granted, or the institution is controlled, as the case may be;
 - (b) afford each such person an opportunity of making to the Council presentations regarding the proposal; and
 - (c) take into consideration any presentations made with respect to the proposal in pursuance of paragraph (b) of this subsection.
- (3) Where the Council, pursuant to the provisions of this section, withdraws the approval of an institution, course or qualification, such withdrawal shall not prejudice the registration or eligibility for registration of any person who by virtue of the prior approval was registered or eligible for registration (either unconditionally or subject to the obtaining a certificate of experience) immediately before the approval was withdrawn.
- (4) The giving or withdrawal of any approval under this section shall have effect on such date, either before or after the execution of the instrument signifying the giving or withdrawal of approval, as the Council may specify in the instrument and the Council shall publish a copy of every such instrument in the Federal Government Gazette (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 30: Supervision of Institutions and Examinations.

- (1) The Council has a supervisory role on all approved institutions in Nigeria established for the:
 - (a) training of persons seeking to become medical practitioners or dental surgeons; or
 - (b) training of medical practitioners or dental surgeons seeking to become members of a specialized branch of either profession.
- (2) The Council shall supervise the examinations conducted in such institutions.
- (3) Every approved institution shall keep the Council informed of the nature of:
 - (a) the instructions given to persons attending approved courses of training; and
 - (b) the examinations through which the approved qualifications are granted.
- (3) The Council may appoint, either from among its members or other persons, visitors to visit approved institutions or to observe such examinations at least once in three years (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 31: Visitation report.

- (1) It is the duty of a visitor or visitors appointed under section 32 of this Bill to report to the Council on:

- (a) the sufficiency of the instructions given to persons attending approved courses of training at institutions.
 - (b) the sufficiency of the examinations observed; and
 - (c) any other matter relating to the institutions or examinations on which the Council may, either generally or in a particular case request the Visitor(s) to report.
- (2) Notwithstanding the provision of this section, no visitor shall interfere with the giving of any instruction or the holding of any examination (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 32: Right of response for the visitation Report.

Upon receipt of report made under section 33 of this Bill, the Council shall, as soon as practicable, send a copy of the report to the person in charge of the institution to which the report relates, requesting such person to make observations with respect to the report within a time specified by the council:

Provided that the time given by the Council under subsection (1) of this section, shall not be less than 30 days beginning with the date of the request (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 33: Certificate of response.

- (1) A person who, after obtaining an approved medical or dental qualification, satisfies the conditions specified in subsection (2) of this section is entitled to receive free of charge a certificate of experience in the prescribed form.
- (2) The conditions which a person must satisfy under subsection (1) of this section are:
 - (a) employment for the prescribed period at a recognised institution in Nigeria with a view to obtaining a certificate of experience;
 - (b) residence throughout that period either in the institution or near to it in accordance with requirements in that behalf specified in the terms of his employment;
 - (c) acquisition of practical experience during employment under the personal supervision and guidance of one or more fully registered medical practitioner or dental surgeon as the case may be, in the practise of surgery, obstetrics and gynecology, pediatrics and medicine or dental surgery, as the case may be, for such periods as may be prescribed in relation to each of those subjects respectively; and
 - (d) the manner in which the person carried out the duties of the employment and the person's conduct during the period of the employment must have been satisfactory.
- (3) It is the duty of the person in charge of a recognised institution at which a

person is employed with a view to obtaining a certificate of experience to ensure that the person is afforded proper opportunities of acquiring the practical experience required for the purposes of subsection (2) of this section.

- (4) The Council shall make regulations to provide for the certification of certificate of experience issued by institutions outside Nigeria.
- (5) In this section, "recognized" means approved for the time being for the purposes of this section by Order of the Council (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 34: Denial of Certificate.

- (1) Where after having been employed as mentioned for the purpose of section 33 of this Bill at any institution, a person is refused a certificate of experience he is entitled to:
 - (a) receive from the person in charge of the institution particulars in writing of the grounds of the refusal; and
 - (b) appeal against the refusal to a Committee of the Council in accordance with rules made by the Council in that behalf (including Rules as to the time within which appeals are to be brought).
- (2) After duly considering any such appeal the committee shall either dismiss the appeal or issue the certificate of experience in question or give such other directive in the matter as it considers just (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 35: Establishment, appointment, duties and tenure of investigation panel.

- (1) There is established the Medical and Dental Practitioners Investigation Panel (in this Bill referred to as "the Panel").
- (2) The Panel shall consist of 15 members appointed by the Council, at least three of whom shall be dental surgeons.
- (3) The Panel established under subsection (1) of this section shall be charged with the duties of:
 - (a) conducting a preliminary investigation into any case where it is alleged that a registered person has committed gross professional misconduct in his capacity as a medical practitioner or dental surgeon or for any other reason, be subject of proceedings before the Disciplinary Tribunal;
 - (b) compel the appearance of any person by subpoena to give evidence before it;
 - (c) decide whether or not to refer any registered person to the Tribunal;
 - (d) deciding, if satisfied that to do so is necessary for the protection of members of the public, make an order of interim suspension of a

registered practitioner whose case they have decided to refer for adjudication, and the case to be given accelerated hearing by the Disciplinary Tribunal within three months;

- (e) make an Order for Conditional Registration of a registered person if satisfied that such an Order is necessary for the protection of the public or is in the person's interest; and
 - (f) an Order of Conditional Registration shall specify the conditions upon which compliance the person's registration is conditioned and specify the period of such conditions not exceeding 18 months;
- (4) A person on whom an Order of interim suspension has been invoked shall remain suspended until the matter is determined by the Tribunal as provided in paragraph (d) of this subsection.
 - (5) The outcome of the disciplinary proceedings and action(s) or sanctions of the Nigerian Medical Association against her members shall lay to the Panel.
 - (6) Members of the Panel shall hold office for a term of four years and may be eligible for reappointment.
 - (7) The provisions of the Second Schedule to this Bill shall be applicable to the Panel with respect to its proceedings (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 36: Establishment of Disciplinary Tribunal.

- (1) There is established the Medical and Dental Practitioners Disciplinary Tribunal (in this Bill referred to as "the Disciplinary Tribunal") charged with the duty of considering and determining any:
 - (a) case referred to it by the Panel established under this Bill; and
 - (b) other case of which the Disciplinary Tribunal has cognizance under the provisions of this Bill.
- (2) The Disciplinary Tribunal shall consist of:
 - (a) the Chairman of the Council or an appointee of the Chairman of the Council who is a member of the Council;
 - (b) 10 other persons who shall include three Council members, at least two persons who are fully registered dental surgeons, four persons from among the past Disciplinary Tribunal members.
- (3) The Disciplinary Tribunal shall remain in force and continue to sit and exercise jurisdiction over matters referred to it by the Panel, notwithstanding any expiration of the tenure of the Council.
- (4) If any person willfully:
 - (a) gives false evidence on oath before the Tribunal during the course of any proceedings; or

- (b) makes a false statement in any affidavit sworn for the purpose of any such proceedings,

the Tribunal may refer the matter to the Attorney General of the Federation for prosecution (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 37: Penalties for misconduct.

- (1) Where the Tribunal finds a registered person under this Bill to:
 - (a) be guilty of professional misconduct,
 - (b) have been convicted by any court of law or tribunal in Nigeria or elsewhere for an offence (whether or not an offence punishable with imprisonment) which, in the opinion of the Tribunal, is incompatible with the status of a registered person under this Bill,
 - (c) have been fraudulently registered in any of the registers maintained by the Council under this Bill,the Disciplinary Tribunal shall give any of the directions specified in subsection (2) of this section.
- (2) The directions which the Disciplinary Tribunal shall give under this section are:
 - (a) ordering the Registrar to erase the person's name from the relevant register;
 - (b) suspend the person from the profession for at least six months and not exceeding 18 months as may be specified in the direction; or
 - (c) admonishing that person.
- (3) When the Tribunal gives a direction under this section, the Tribunal shall cause a notice of the direction to be served on the person to whom it relates (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 38: Right of Appeal.

- (1) An appeal on the decision of the Tribunal shall lie as of right to the Court of Appeal within 28 days of issuance of the direction pursuant under this Bill.
- (2) There shall be no interlocutory appeal in respect of any direction or order made by the Disciplinary Tribunal.
- (3) There shall be no stay of proceeding in respect of any matter pending before the Panel or Disciplinary Tribunal (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 39: Power of the Tribunal to Register person again.

- (1) A person whose name is erased from a register in pursuance of a direction of the Tribunal under this Bill is not entitled to be registered in that register again except in accordance with the direction of the Tribunal.
- (2) The Tribunal, pursuant to subsection (1) of this section, may upon an application by the person, direct the Registrar to register that person again, on such terms it may deem fit (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 40: Offences and Penalties.

- (1) Subject to subsection (4) of this section, no person other than a registered medical practitioner shall:
 - (a) for or in expectation of reward, practise or hold himself out to practise as a medical practitioner;
 - (b) take or use the title of physician, surgeon, doctor or licentiate of medicine, medical practitioner; or
 - (c) without reasonable excuse, take or use any name, title, addition or description implying that he is authorised by law to practise as a medical practitioner.
- (2) Subject to subsections (4) of this section, no person other than a registered dental surgeon shall:
 - (a) for or in expectation of reward, practise or hold himself out to practise as a dental surgeon.
 - (b) take or use the title of dental surgeon, doctor, dentist, dental officer, or dental practitioner, or
 - (c) without reasonable excuse take or use any name, title, addition, or description implying that he is authorised by law to practise as a dentist.
- (3) A person who contravenes subsections (1) or (2) of this section commits an offence and is liable on conviction to a punishment under this Bill.
- (4) Where any person is acknowledged by the generality of members of the community to which he belongs as having been trained in the system of therapeutic medicine traditionally in use in that community, nothing in subsections (1) (a) and (2) (a) of this subsection shall be construed as making it an offence for that person to practise or to hold himself out to practise that system.
- (5) The provision of subsection (4) of this section does not extend to any activity involving an incision in human tissue or to administering, supplying or recommending the use of any dangerous drug within the meaning of Part V of the Dangerous Drugs Act, Cap. D1, Laws of the Federation of Nigeria, 2004 (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 41: False Statement.

- (1) Any person who, for the purpose of procuring the registration of any name, qualification or other matter under this Bill, makes a statement which turns out to be false in a material particular commits an offence.
- (2) Any person employed by the Council who makes any falsification in any matter relating to the registers established under this Bill commits an offence.
- (3) A person who contravenes the provisions of this section commits an offence and is liable, on conviction, to punishment under this Bill (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 42: Vicarious liability of corporate body and its officer.

- (1) A person who is guilty of an offence under sections 40 and 41 of this Bill, is liable:
 - (a) on summary conviction, to a fine of at least ₦500,000.00 or imprisonment for a term of at least two years; and
 - (b) on conviction after trial, to a fine of at least ₦1,000,000.00 or imprisonment for a term of at least five years;
 - (c) on conviction of a corporate body, its principal officers shall be fined not less than ₦2,500,000.00.
- (2) Nothing in section 40 of this Bill shall be construed as making it an offence for a person employed as a medical practitioner or dental surgeon on any ship, other than a Nigerian ship within the meaning of the Merchant Shipping Act Cap. M11 Laws of the Federation Nigeria, 2004 to act as a medical practitioner or dental surgeon in relation to the master, crew and passengers of that ship.
- (3) Where an offence, under sections 40 and 41 has been committed by a person and it is proved to have been committed with the consent or connivance of, or to be attributable to any negligence on the part of any Chief Medical Director, Manager, Secretary or other principal officers of a body corporate, the officer and the body corporate are also deemed to be guilty jointly and severally of the same offence and shall be liable to be prosecuted and punished accordingly.
- (4) Where a person knowingly employs an unregistered medical practitioner or dental surgeon, he commits an offence and is liable on conviction to:
 - (a) a fine of ₦1,000, 000;
 - (b) a term of imprisonment for one year; or
 - (c) both fine and imprisonment (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

Amendment Proposed:

In Subclause (4) (a), *leave out* the amount “~~₦~~1,000,000”, and *insert* the amount “~~₦~~10,000,000” (*Hon. Isah Bello Ambarura — Illela/Gwadabawa Federal Constituency*).

Question that the amendment be made — Agreed to.

Question that Clause 42 as amended, stands part of the Bill — Agreed to.

Clause 43: Miscellaneous.

- (1) A person shall not hold an appointment or practise as a medical practitioner or dental surgeon in Nigeria unless the person is registered by the Council under this Bill.
- (2) A registered medical practitioner or dental surgeon is entitled to practise as a medical practitioner or dental surgeon, throughout Nigeria.
- (3) No person shall issue a prescription, medical report, medical certificate of fitness, sick report or any other related document except the person is a fully registered medical practitioner.
- (4) No person shall issue a prescription or report on the oral health of a person, dental report, sick report, or any other related documents except the person is a fully registered dental surgeon.
- (5) A registered medical practitioner or dental surgeon shall not issue a prescription for a medicine except it is written on the prescription form approved by the Council.
- (6) Pursuant to subsections (3) and (4) of this section, the documents therein shall have the practise seal of the medical practitioner or dental surgeon duly affixed as appropriate.
- (7) No person other than a fully registered medical practitioner or dental surgeon is entitled to bring any proceeding in any court of law for the purpose of recovering any fee or other consideration payable in respect of services rendered or facilities or things supplied by the person when purporting to act as a medical practitioner or as a dental surgeon.
- (8) It is the duty of the person in charge of the medical school, postgraduate medical colleges, or similar institution in Nigeria at which there is held a course of training intended for:
 - (a) persons seeking to become members of the medical or dental profession, or
 - (b) medical or dental practitioners seeking to become specialists in a field of medicine or dentistry, to furnish to the Registrar, a list of successful candidates immediately after the publication of the pass list.
- (9) The successful candidates referred to in subsection 12 (a) of this section shall be posted by the Council to approved hospitals for the purpose of acquiring the Certificate of Experience pursuant to section 24 of this Bill.
- (10) No person shall hold the post of medical or dental officer of Health unless the person is registered as a medical or dental practitioner, as the case may be (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

Question that Clause 43 stands part of the Bill — Agreed to.

Clause 44: Power to make regulations, rules or orders.

Any power to make regulations, rules or orders conferred by this Bill includes the power to:

- (a) make provisions for such incidental and supplementary matters as the Council considers expedient; and
- (b) make different provisions for different circumstances (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

Question that Clause 44 stands part of the Bill — Agreed to.

Clause 45: Repeal and savings.

- (1) The Medical and Dental Practitioners Act Cap. M8, Laws of the Federation of Nigeria is repealed.
- (2) Notwithstanding subsection (1) of this section:
 - (a) any person whose name was immediately before the coming to force of this Bill, included in any of the Registers maintained under the repealed Enactment shall, without further application or payment of any other fee, be deemed to be registered under the appropriate provision of this Bill.
 - (b) any Register kept in pursuance of the repealed Act shall be deemed to be part of the Register to be kept under this Bill.
 - (c) any document referring to a provision of the repealed Act shall be construed as a reference to the corresponding provision of this Bill.
 - (d) where any offence, being an offence for the continuance of which a penalty was provided, has been committed under the repealed Act, proceedings may be taken under this Bill in respect of the continuance of the offence after the commencement of this Bill, in the same manner as if the offence had been committed under the corresponding provisions of this Bill.
- (3) All Assets, funds, resources and other movable or immovable property which immediately before the commencement of this Bill were vested in the body established by the repealed Act shall by virtue of this Bill be vested in the Council.
- (4) As from the commencement of this Bill —
 - (a) the rights, interests, obligations and liabilities of the body referred to in subsection (3) of this section existing immediately before the commencement of this Bill under any contract or instruction or at law or in equity are hereby assigned to and vested in the Council; and
 - (b) any such contract or instrument shall be of the same force and effect against or in favour of the Council and shall be enforceable as fully and effectively as if instead of the body mentioned in the repealed Act, the Council has been named therein or had been a party thereto.

- (5) Any proceeding or cause of action pending or existing immediately before the commencement of this Bill by or against the body mentioned in the repealed Enactment in respect of any rights, interest, obligation or liability of the body aforesaid may be continued or, as the case may be, commenced and any determination of a court of law, tribunal or other authority or person may be enforced by or against the Council to the same extent that any such proceeding, cause of Action or determination could have been continued, commenced or enforced by or against the body aforesaid if this Bill had not been made.
- (6) Notwithstanding the repeal of Act referred to in this section, if the Council deems it expedient that any vacancy in the Council should be filled by a person holding office at the commencement of this Bill in the body dissolved by this section it may employ such person by way of transfer to the Council and the previous service in the dissolved body by such person shall count as service for the purposes of any pension subsequently payable by the Council (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

Question that Clause 45 stands part of the Bill — Agreed to.

Clause 46: Interpretation.
In this Bill:

"alternative medicine" means homeopathy, naturopathy, acupuncture, and osteopathy as defined in the Code of Conduct issued by the Council for Alternative Medicine Practise (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

"approved medical or dental qualification" under section 24 of this Bill means a qualification which is approved in respect of the medical or dental profession (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

Question that the meaning of the words "approved medical or dental qualification" be as defined in the interpretation to this Bill — Agreed to.

"Certificate of experience" means a certificate granted in pursuance of section 33 of this Bill (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

"Chairman" means the Chairman of the Council appointed under section 6 of this Bill (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

"Clinical or Medical Laboratory" means laboratory for the practise of Pathology (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

Question that the meaning of the words “Clinical or Medical Laboratory” be as defined in the interpretation to this Bill — Agreed to.

"Council" means the Medical and Dental Council of Nigeria established under section 4 of this Bill (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

“Chief Medical Officer” means the Director of Medical or Hospital Services (or however designated) in the State's Ministry of Health and the Federal Capital Territory other than the Permanent Secretaries or Commissioners for health (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

Question that the meaning of the words “Chief Medical Officer” be as defined in the interpretation to this Bill — Agreed to.

"Dentistry" in relation to its practise includes the prevention and management of diseases and malformations of the teeth, gums, oral cavity, and related structures (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

Question that the meaning of the word “Dentistry” be as defined in the interpretation to this Bill — Agreed to.

"A registered Dental Surgeon" means a person who gives all dental related treatments, which includes but not limited to routine extractions and oral surgery procedures, all forms of tooth restorations, fitting of dentures and dental appliances and other maxillofacial surgery operation (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

Question that the meaning of the words “A registered Dental Surgeon” be as defined in the interpretation to this Bill — Agreed to.

"Gazette" means the Gazette of the Federal Government of Nigeria (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

Question that the meaning of the word “Gazette” be as defined in the interpretation to this Bill — Agreed to.

"Incision" means a deliberate cut, or a wound made by a sharp instrument on a human being (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

Question that the meaning of the word “Incision” be as defined in the interpretation to this Bill — Agreed to.

"Impairment to fitness to practise" means conviction for misconduct in a professional respect or interim suspension pending disciplinary proceeding; deficient professional performance; a conviction or caution for a criminal offence; adverse physical or mental health; or a determination by a Tribunal or Court in Nigeria or elsewhere that fitness to practise is impaired (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

Question that the meaning of the words “Impairment to fitness to practise” be as defined in the interpretation to this Bill — Agreed to.

"laboratory" means a room, building or institution either as a stand alone or in a health facility equipped for scientific research, experimentation, investigation, analysis, and diagnosis of a disease (illness) or health related problem (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

"medically qualified" means a person registered fully as a medical practitioner or dental surgeon by the Council (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

"Minister" means the Minister of the Government of the Federation charged with responsibility for matters relating to Health (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

"Panel" means Medical and Dental Practitioners' Investigation Panel established under this Bill (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

"Pathology" means the branch of medicine that deals with the clinical and laboratory examination and processing of samples of body tissues, cells, excretions and fluids for the diagnosis, treatment, and monitoring of response to treatment of disease; and analysis and provision of forensic evidence (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

"Pathologist" means a medical practitioner that specialized in pathology and registered as such by the council (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

"Practitioner" means a person registered by council to practise medicine or dentistry (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

"Radiology" means the branch of medicine that deals with the use of radioactive substances and equipment for scientific research, experimentation, investigation, diagnosis, treatment, analysis, and provision of forensic evidence, and monitoring of response to treatment of disease (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

Question that the meaning of the word “Radiology” be as defined in the interpretation to this Bill — Agreed to.

"Register" means a register maintained under this Bill (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

Question that the meaning of the word “Register” be as defined in the interpretation to this Bill — Agreed to.

"Registrar" means the officer appointed pursuant to section 11 of this Bill (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

Question that the meaning of the word “Registrar” be as defined in the interpretation to this Bill — Agreed to.

"Regulations" means rules, orders, directives, and other such instruments made by the Council for the control of the medical and dental professions in Nigeria including accreditation of practitioners' practise premises (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

"Tissue" means any part of the human body or fluid or blood that has multiple cells; and (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

Question that the meaning of the word “Tissue” be as defined in the interpretation to this Bill — Agreed to.

“Tribunal” means Medical and Dental Practitioners' Disciplinary Tribunal established under this Bill (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

Question that the meaning of the word “Tribunal” be as defined in the interpretation to this Bill — Agreed to.

Question that Clause 46 stands part of the Bill — Agreed to.

Clause 47: Citation.

This Bill may be cited as the Medical and Dental Practitioners (Repeal and Enactment) Bill, 2024 (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

Question that Clause 47 stands part of the Bill — Agreed to.

SCHEDULES

FIRST SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

1. Vice-chairman and Secretary at any time while the office of Chairman is vacant, or the Chairman is, in the opinion of the Council, permanently or temporarily unable to perform the functions of his office, the Vice-Chairman shall perform those functions and reference in this Schedule to the Chairman shall be construed accordingly.

2. A Vice-Chairman who ceases to be a member of Council shall cease to be Vice-Chairman.
3. The Registrar shall serve as the Secretary to the Council and to the Disciplinary Tribunal.
4. Subject to the provisions of this Bill and of section 27 of the Interpretation Act, the Council may make standing orders regulating the proceedings of the Council or any committee thereof.
5. The quorum of the Council shall be one third of membership and the quorum of any committee of the Council shall be determined by the Council.
6. Subject to the provisions of any standing orders of the Council, the Council shall meet whenever it is summoned by the Chairman and if the chairman is required to do so by notice given to him by one-third of members, he shall summon a meeting of the Council to be held within fourteen days from the date on which the notice is given.
7. At any meeting of the Council the Chairman or, in his absence, the Vice Chairman shall preside, but if both are absent the members present at the meeting shall elect from amongst themselves one person to preside at that meeting.
8. Where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt that person as a member for such period as it deems fit but a person who is a member by virtue of this sub-paragraph shall not be entitled to vote or be voted at any meeting of the Council and shall not be counted for the purposes of reckoning a quorum.
9. Notwithstanding anything in the foregoing provisions of this schedule, the vacancies created in the membership of the Council by the coming to effect of this Bill shall be filled as provided in section 6 of this Bill.
10. The Council may appoint one or more committees to carry out, on its behalf, such of its functions as the Council may determine.
11. A committee appointed pursuant to paragraph 10 of this schedule, shall consist of the number of persons determined by the Council, and not more than one-third of those persons may be non-members of the Council; and a person other than a member of the Council shall hold office on the committee in accordance with the terms of the letter by which he is appointed.
12. A decision of a committee of the Council (other than the committee mentioned in Section 37 of this Bill) shall be of no effect until it is confirmed by the Council.
13. The fixing of the seal of the Council shall be authenticated by the signature of the Chairman and of Secretary to the Council.
14. Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Council by any person generally or specially authorized to act for that purpose by the Council.
15. Any document duly executed under the seal of the Council shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.
16. The validity of any proceedings of the Council or a committee thereof shall not be affected by any vacancy in the membership of the Council or committee, or any defect in the appointment of a member of the Council, or of a person to serve on the committee, or by reason that a person not entitled to do so took part in the proceedings.

17. Any member of the Council, and any person holding office in a committee of a Council, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council or a committee thereof shall forthwith disclose his interest to the Council or committee and shall not vote on any question relating to that contract or arrangement.
18. A person shall not, by reason of his membership of the Council only, be treated as holding an office in the Public Service of the Federation (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

SECOND SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY TRIBUNAL AND INVESTIGATION PANEL

The Disciplinary Tribunal

1. The quorum of the Disciplinary Tribunal shall be the Chairman and four (4) other members of whom:
 - (a) all shall be fully registered medical practitioners in a case relating to a registered medical practitioner; and
 - (b) one at least shall be a registered dental surgeon in a case relating to a registered dental surgeon.
2. The Chief Justice of Nigeria shall make rules for the purposes of any proceedings and as to the procedure to be followed and the rules of evidence to be observed in proceedings before the Disciplinary Tribunal.
3. The rules shall in particular provide:
 - (a) for securing that notice of the proceedings shall be given, at such time and in such manner as may be specified by the rules, to the person who is the subject of the proceedings;
 - (b) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the Tribunal;
 - (c) for enabling any party to the proceedings to be represented by a legal practitioner;
 - (d) as to the costs of proceedings before the Disciplinary Tribunal;
 - (e) for requiring, in a case where it is alleged that the person who is the subject of proceedings is guilty of professional misconduct, that where the Disciplinary Tribunal adjudges that the allegation has not been proved it shall record a finding that the person is not guilty of such conduct in respect of the matter to which the allegation relates;
 - (f) for publishing in the Federal Gazette, notice of any direction of the Disciplinary Tribunal which has taken effect, providing that a person's name shall be erased from a register.
4. For the purpose of any proceedings before the Disciplinary Tribunal, any member of the

Disciplinary Tribunal may administer oaths and any party to the proceedings may issue out of the registry of the Court of Appeal writs of subpoena ad testificandum et duces tecum, but no person appearing before the Disciplinary Tribunal shall be compelled to:

- (a) make any statement before the Disciplinary Tribunal tending to incriminate himself; or
 - (b) produce any document under such a writ which he could not be compelled to produce at the trial of an action.
5. For the purpose of advising the Disciplinary Tribunal on questions of law arising in proceedings before it, there shall be appointed by Council in all such proceedings, legal practitioners or a firm of legal practitioners of not less than 10 years at the bar recommended by the Chief Justice of Nigeria, one of which shall participate in the proceedings of the Tribunal.
6. The Chief Justice of Nigeria shall make rules as to functions of assessors appointed under this paragraph, and in particular such rules shall contain provisions for securing that:
- (a) where an assessor advises the Disciplinary Tribunal on any question of law as to evidence, procedure or any other matters specified by the rules, he shall do so in the presence of every party or person representing a party to the proceedings who appears thereat or, if the advice is tendered while the Disciplinary Tribunal is deliberating in private, that every such party or persons aforesaid shall be informed what advice the assessor has tendered; and
 - (b) every such party or person as aforesaid shall be informed if in any case the Disciplinary Tribunal does not accept the advice of the assessor on such a question.
7. A law firm to serve as assessors may be appointed under this paragraph either generally or for any particular proceedings or class of proceedings and shall continue and cease to be appointed in accordance with the terms of the letter by which the firm is appointed.

The Panel

8. The quorum of the Panel shall be five who:
- (a) all shall be fully registered medical practitioners in a case relating to a registered medical practitioner; and
 - (b) one at least shall be a fully registered dental surgeon in a case relating to a registered dental surgeon.
9. The Panel may, at any meeting attended by not less than five members, including not less than one registered dental surgeon, make standing orders with respect to the Panel.
10. Subject to the provisions of any such standing orders, the Panel may regulate its own procedure.
11. A person ceasing to be a member of the Disciplinary Tribunal or the Panel shall be eligible for reappointment as a member of that body.
12. A person may, if otherwise eligible, be a member of both the Disciplinary Tribunal and the Panel; but no person who acted as a member of the Panel with respect to any case shall act as a member of the Disciplinary Tribunal with respect to that case.

13. The Disciplinary Tribunal or the Panel may act notwithstanding any vacancy in its membership; and the proceedings of either body shall not be invalidated by any irregularity in the appointment of a member of that body, or subject to section 38 of this Bill, by reason of the fact that any person who was not entitled to do so took part in the proceedings of that body.
14. The Disciplinary Tribunal and the Panel may each sit in two or more divisions.
15. The Chairman of Council or his appointee shall serve as Chairman of any of the divisions of the Tribunal.
16. Any document authorised or required by virtue of this Bill to be served on the Disciplinary Tribunal or the Panel shall be served on the Secretary of the body concerned.
17. Any expenses of the Disciplinary Tribunal or the Panel shall be defrayed by the Council.
18. A person shall not, by reason only of being a legal assessor to the Disciplinary Tribunal or as a member of the Panel, be treated as holding an office in the public service of the Federation (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Explanatory Memorandum:

This Bill seeks to repeal the Medical and Dental Practitioners Act Cap. M8, Laws Federation of Nigeria, 2004 and enact the Medical and Dental Practitioners Bill 2024 for the regulation and control of medical and dental professions in Nigeria (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

Agreed to.

Long Title:

A Bill for an Act to Repeal the Medical and Dental Practitioners Act, Cap. M8, Laws Federation of Nigeria, 2004; and Enact the Medical and Dental Practitioners Bill and for Related Matters (HB.1043) (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama 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 Repeal the Medical and Dental Practitioners Act, Cap. M8, Laws Federation of Nigeria, 2004; and Enact the Medical and Dental Practitioners Bill and for Related Matters (HB.1043) and approved Clauses 1 - 41, approved Clause 42 as amended, approved Clauses 43 - 47, the Schedules, the Explanatory Memorandum and the Long Title of the Bill.

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

- (v) ***A Bill for an Act to Establish Dietitian Council of Nigeria to Regulate the Profession of Dietitians and for Related Matters (HB.1114) (Committee of the Whole):***
Motion made and Question proposed, “That the House do consider the Report on a Bill for an Act to Establish Dietitian Council of Nigeria to Regulate the Profession of Dietitians and for Related Matters (HB.1114)” (Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency).

Agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

**A BILL FOR AN ACT TO ESTABLISH THE DIETITIANS
COUNCIL OF NIGERIA TO REGULATE THE PROFESSION OF
DIETETICS; AND FOR RELATED MATTERS (HB. 1114)**

PART I — ESTABLISHMENT OF DIETITIANS COUNCIL OF NIGERIA

Clause 1: Establishment of Dietitians Council of Nigeria.

- (1) There is hereby established for Dietitians in Nigeria a body to be known as the Dietitians Council of Nigeria (hereinafter referred to as "the Council") which shall be charged with the duty to:
 - (a) determine the standards of knowledge and competence to be attained by persons seeking to become registered as Members or Associates (herein referred to as Dietetic Practitioners) and reviewing those standards, as circumstances may permit;
 - (b) regulate and control the professional training of Dietetic Practitioners in all dietetics internship training centres in Nigeria and the regular inspection and accreditation of such institutions;
 - (c) assess and evaluate professional education and registration of foreign graduates of Nutrition and Dietetics;
 - (d) conduct National post-degree (Dietetic internship) examination and awarding certificates as appropriate;
 - (e) ensure that Dietetics Practitioners in Nigeria uphold the Code of ethics, Code of good conduct and practice of the profession and guarantee the sustainability of high quality dietetic practice;
 - (f) promote the adoption of healthy diets and lifestyle for all Nigerians and collaborate with government Ministries, Parastatals, International agencies and civil societies with similar mandate;
 - (g) promote rapid sustainability of high quality diets for Nigerians through scientific methods, and regulate all issues pertaining to Dietetics in Nigeria;
 - (h) advance the education, science, technology and art of Nutrition and Dietetics and collaborate with Nigerian Universities Commission in this respect;
 - (i) advise and encourage the enactment and the enforcement of laws that will guarantee good nutrition, quality diets and consistent supply of high quality foods to Nigerians;
 - (j) educate the public on healthy diets for maintenance and prevention of diseases through the practitioners;

- (k) encourage the co-operation of the Council with any relevant Council in Nutrition and Dietetics internationally;
 - (l) regulate and control the standards of Nutrition and Dietetics professional training and practice in all approved Hospitals, Health institutions and facilities, sports centres, camps, corporate welfare programmes, community and public health settings, food and nutrition related business, factories and industries, research institutions on food and nutrition, Pharmaceutical Companies, other institutions and any public place, etc.;
 - (m) securing in accordance with the provisions of this Bill, the establishment and maintenance of a register of Dietitians necessary for the purpose of recognizing persons entitled under this Bill to carry on as registered Dietitians and Assistant Dietitians subdivided into two grades:
 - (i) registered Dietitians,
 - (ii) registered Assistant dietitians for the purpose of keeping record of persons entitled under this Bill to carry on as registered dietitians or registered Assistant dietitians and the publication from time to time of a list of persons so qualified;
 - (n) regulate and control the practice of Nutrition and Dietetics in all its ramifications;
 - (o) perform any other functions as may necessary to the practice of Dietetics and Nutrition.
- (2) (a) The Council shall have a perpetual succession and may sue and be sued in its corporate name and shall have a common seal, which shall be kept in such custody as the Council may, from time to time, authorize.
- (b) Fixing of the seal to any document shall be authenticated by the signature of the Chairman or any other person as may be directed by the Council (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 2: Power of the Council.

The Council shall have power to:

- (a) establish and promote all such professional certificate courses in Dietetics;
- (b) establish such offices, departments, units and branches of the Council as may be required for the proper administration and operation of the Council;
- (c) subject to such terms and conditions as the Council may approve, engage staff, agents and other workers as may be required by the Council for the performance of its functions under this Bill;
- (d) establish necessary organization for the proper and efficient conduct of the affairs of the Council;

- (e) provide regulations for all staff of the Council and provide pension and welfare schemes for the staff; and
- (f) do such other things as may be necessary for the performance of the functions of the Council (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

PART II — COMPOSITION OF COUNCIL

Clause 3: Establishment of Governing Council.

- (1) There shall be established for the Council a body to be known as the Governing Council (in the Bill referred to as the "Council"), which shall be charged with responsibility for the administration and general management of the Council.
- (2) The Council shall consist of the following:
 - (a) the chairman, who shall be a Registered Dietitian of not less than fifteen (15) years post registration experience to be appointed by the President, on the recommendation of the Minister and in consultation with the Professional Association for Dietitians, in this Bill referred to as "Association of Nigerian Dietitians;
 - (b) the Registrar;
 - (c) a representative of the Federal Ministry of Health;
 - (d) six registered Dietitians of not less than 10 years post registration experience to be appointed by the President on the recommendation of the Minister and in consultation with the Professional Association of Dietitians to represent each of the six geo-political zones in Nigeria;
 - (e) two persons who shall be registered Dietitians of not less than 10 years post registration experience representing the Professional Association for Dietitians;
 - (f) five persons at a ratio of 3 to 2 to represent the Universities and Polytechnics offering degree and diploma programmes in Nutrition and Dietetics on rotational basis to be appointed by the President on the recommendation of the Minister of health and in consultation with the Professional Association for Dietitians;
 - (g) one person to represent the Armed Forces who shall be a Registered Dietitian of not less than 10 years post qualification (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 4: Tenure of office.

- (1)
 - (a) The Chairman shall hold office for a term of three years and shall be eligible for re-appointment for one more term.
 - (b) The chairman shall preside over all meetings of the Council, and in

the event of death, incapacity or inability to perform the functions of his office, a new chairman shall be appointed for the unexpired term of office of the chairman.

- (2) The provision of the first schedule to this Bill shall have effect with respect to the qualifications and tenure of office of members of the Council and other matters therein mentioned.
- (3)
 - (a) The tenure of office of a member of the Council other than an *ex-officio* member shall be three years but such member shall at the end of that term be eligible for re-election, for one more term only.
 - (b) All members of Council shall be on part time basis except the Registrar of the Council.
 - (c) The remuneration of the Registrar and other members of staff shall be determined by the Council.
 - (d) Sitting allowances and other remunerations for other part time staff of the council shall be determined by the governing Council based on the prevailing economic realities.
- (4) The office of a member of the Council shall become vacant if he:
 - (a) resigns from his office, by notice under his hand, addressed to the Council;
 - (b) is removed from office by the Council, by reason of professional misconduct, physical or mental infirmity; or
 - (c) without leave of the Council, absents himself for 3 consecutive meetings of the Council.
- (5) The functions of the Council shall be to:
 - (a) carry into effect the functions and powers of the Council;
 - (b) govern the affairs of the Council;
 - (c) effect proper management of the Council; and
 - (d) do other acts and things as the Council may consider necessary for carrying out the functions and powers of the Council (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 5: Funds of the Council.

- (1) The Council shall establish and maintain a fund for the purpose of this Bill.
- (2) There shall be paid into the fund established pursuant to subsection (1) of this section:
 - (a) a take-off grant for the establishment of the fund and sustainable funding interventions by the Federal government. or through financial appropriation by the National Assembly;

- (b) all fees and other monies payable to the Council in pursuance of this Bill and
 - (c) such monies as may be payable to the council, whether in the course of the discharge of its functions or otherwise;
- (3) The Council may apply the proceeds of the fund established under sub-section (2) of this section for:
 - (a) the remuneration and allowances of the Registrar and other employees of the Council;
 - (b) travelling and subsistence allowance of members of the Council in respect of the time spent on the business of the Council as the Council may with the approval of the Minister determine; and
 - (c) any other expenses incurred by the Council in the discharge of its functions under this Bill (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

Amendment Proposed:

Leave out Subclause (2) (a) (Hon. Sada Soli — Jibia/Kaita Federal Constituency).

Question that the amendment be made — Agreed to.

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

Clause 6: Power to invest.

The Council may invest the fund in any security created or issued by or on behalf of the Federal Government or in any other securities in Nigeria as may be approved by the Council (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 7: Power to borrow.

The Council may borrow money up to a volume not above 50% of the annual revenue of the immediate past year for the purpose of the Council's activities (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 8: Annual estimates.

- (1) The Council shall prepare and submit to the Minister not later than the 30th day of September of each year an estimate of its expenditure and income during the next succeeding year.
- (2) The Minister may, out of the monies provided by the Federal Government to the Council, either by way of grants or by way of loan, make payments of such amounts as the Federal Government may from time to time determine (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 9: Accounts and audit.

The Council shall keep proper accounts and Audit in respect of each year and shall cause its accounts to be audited at the end of the year to which the accounts relate by a firm of auditors appointed from the list and in accordance with guidelines supplied by the Auditor -General for the Federation (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

PART III — APPOINTMENT OF REGISTRAR**Clause 10: Appointment of Registrar.**

- (1) The Council shall appoint a person as the Registrar of the Council.
- (2) The Registrar shall:
 - (a) be a practicing registered Dietician and hold a minimum of Bachelor Degree in Nutrition and Dietetics;
 - (b) have undergone a 12 months Dietetic internship with not less than 15 years post experience in Nutrition and Dietetics;
- (3) The Registrar shall be the secretary to the Council and to the Disciplinary Tribunal.
- (4) It shall be the duty of the Registrar to prepare and maintain in accordance with rules made by the Council:
 - (a) register of names, addresses, telephone numbers, e-mails, approved and of such other qualifications and particulars, as may be specified in the rules, of all persons who are entitled to be enrolled as associates and members and who in the manner prescribed by such rules, apply to be so registered;
 - (b) register of the premises of members of the profession, who are in private practice.
- (5) The Register shall consist of three parts of which:
 - (a) the first part shall be in respect of full members;
 - (b) the second part shall be in respect of associate members;
 - (c) the third part shall be in respect of the premises of members;
- (6) Subject to the provisions of this section, the Council shall make rules with respect to the form and keeping of the register and the making of entries therein, and in particular:
 - (a) regulating the applications for enrolment or registration, as the case may be, and providing for the evidence to be produced in support of such applications;
 - (b) providing for notification to the registrar, by the person to whom any registered particulars relate, of any change in those particulars;

- (c) authorizing a registered person to have any qualification which, in relation to the profession, is an approved qualification for the purposes of this Bill registered in relation to his name in addition to or, as he may elect, in substitution for any other qualification so registered;
 - (d) specifying the fees, including any annual subscription to be paid to the Council in respect of the entry of names on the register, and authorizing the Registrar to refuse to enter a name on the register until any fee specified for the entry has been paid;
 - (e) specifying anything failing to be specified under the foregoing provisions of this section, but rules made for the purpose of paragraph (d) of this subsection shall not come into force until they are confirmed at the Annual General Meeting of the Professional Association for Dietitians.
- (7) It shall be the duty of the Registrar to:
 - (a) correct, in accordance with the Council's directions, any entry in the register which the Council directs him to correct as being in the Council's opinion was incorrectly made;
 - (b) make any necessary alteration to the registered particulars of registered person and premises;
 - (c) remove from the register the name of any registered person who died or whose temporary registration has ceased; and
 - (d) record the names of registered persons who are in default for more than six months in payment of annual subscription, and to take such action in relation thereto (including removal of names of defaulters from the register) as the council may direct or require.
- (8) If the Registrar:
 - (a) sends by post to any registered person a registered letter addressed to him at his address on the register enquiring whether the registered particulars relating to him are correct and receives no reply to the letter within a period of six months from the date of posting it; and
 - (b) upon the expiration of that period sends in the like manner to the person in question a second similar letter and receives no reply to the letter between three months from the date of last posting the Registrar may remove the particulars relating to the person in question from the register:

Provided that the Council may direct the Registrar to return to the appropriate part of the register any particulars removed there from under this subsection.
- (9) When a person's name is entered on the register of members maintained under this section, that person shall thereupon be taken to become a member of the Dietitians Council of Nigeria and shall be entitled to affix the suffix "RDN" meaning: "Registered Dietitian-Nutritionist" after his name (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 11: Publication of register and list of corrections.

- (1) It shall be the duty of the Registrar to:
 - (a) to cause the register to be printed, published and put on sale to members of the public not later than two years from the commencement of this Bill and;
 - (b) thereafter in each year, cause to be printed, published and put on sale as aforesaid, either a corrected edition of the register or a list of corrections made to the register since it was last printed; and
 - (c) cause a print of each edition of the register and of each list of correction to be deposited at the principal Offices of the Council; and
 - (d) keep the register and list so deposited open to members of the public at all reasonable times for inspection.
- (2) A document purporting to be a print of an edition of the register published under this section by authority of the Registrar in the current year, or documents purporting to be prints of an edition of the register so published in the current year and of the list of correction to that edition so published, shall (without prejudice to any other mode of proof) be admissible in any proceedings as evidence that any person specified in the document, or the documents read together, as being registered, was so registered at the date of the edition or of the list of corrections, as the case may be, and that any person not so specified was not so registered.
- (3) Where in accordance with subsection (2) of this section a person is, in any proceedings shown to have been or not to have been registered at a particular date, he shall, unless the contrary is proved be taken for the purpose of those proceedings as having at all material times thereafter continued to be, or not to be, so enrolled or registered (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

PART IV — REGISTRATION

Clause 12: Registration.

- (1) A person shall not hold an appointment or practice as a Dietitian in Nigeria unless he is registered with the Council under the provision of this Bill.
- (2) A Registered Dietitian shall be entitled to practice as such throughout Nigeria.
- (3) Subject to the provision of sub section (1) of this section and to rules made under section 11 of this Bill, a person shall be entitled to be fully registered as a Dietitian under this Bill if he:
 - (a) is a Nigeria citizen;
 - (b) is of good character and a fit and proper person;

- (c) has attended a course of training approved by the Council under this Bill or the course was conducted at an institution approved by the Council;
- (d) holds a Bachelor of Science degree in Nutrition and Dietetics from a University accredited by the National Universities Commission, or holds a higher National Diploma in Nutrition and Dietetics from an institution accredited by the National Board for Technical Education (NBTE);
- (e) has completed a one year internship training at any institution approved by the Council and successfully passed the requisite professional registration examination for dietetic interns;
- (f) holds a certificate of dietetic internship issued pursuant to subsection (3) (c) of this section;
- (g) has pay the prescribed fee (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 13: Registration of associates.

A person is qualified to be registered as an associates member if he:

- (i) has attained a course of training approved by the Council;
- (ii) holds a Bachelor of Science degree in Nutrition and Dietetics from any University or a Higher National Diploma in Nutrition and Dietetics from any Polytechnic accredited and approved by the Council;
- (iii) pays the prescribed fee;
- (iv) subject to the provision of this section, a citizen of Nigeria who qualified from an approved institution outside Nigeria shall be entitled to be fully registered under this Bill, if he satisfies the Council that he:
 - (a) holds a qualification granted outside Nigeria and for the time being accepted by the Council for the purposes of this subsection as regards the profession;
 - (b) in the country in which the qualification was granted he was under no legal disability in the practice of Dietetics;
 - (c) holds a certificate of registration as a Dietitian acceptable to the Council;
 - (d) pays the prescribed fee;
- (v) a person aggrieved by a decision of the Council made under this section may appeal to the Minister within one month after notification of the refusal is communicated to him (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 14: Registration of foreigner trained as a Dietitian.

- (1) A person who is not a citizen of Nigeria may be registered as Dietitian under this Bill if the country of which he is a citizen grants reciprocal registration facilities to Nigeria citizens and if he:
 - (a) holds a qualification approved by the Council;
 - (b) has passed all the Council's examinations governing the practice of Dietetics in Nigeria and such other examinations as the Council may prescribe and before being registered acquires the required experience in accordance with subsection (3) (a) of section 13 of this Bill;
 - (c) has been resident in Nigeria for not less than twelve calendar months immediately preceding the date of his application for registration during which he is expected to undergo the requisite training as may be prescribed by the Council;
- (2) An applicant for registration shall in addition to evidence of qualification, satisfy the Council that he:
 - (a) is of good character;
 - (b) has attained the age of 21 years;
 - (c) has not been convicted in Nigeria or elsewhere of any offence involving fraud or dishonesty; and
 - (d) has paid the prescribed fee.
- (3) The Council may, in its discretion, provisionally accept a qualification in respect of an application for registration under this section or direct that the application be renewed within such period as may be specified in the direction.
- (4) Any entry directed to be made in the register under subsection (3) of this section, shall show that such registration is provisional and no entry so made shall be converted to full registration without the consent of the Council in writing in that behalf (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 15: Publication of qualification for registration.

The Council shall publish in the Gazette particulars of qualifications for the time being accepted for registration under this Bill (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

PART V — PRACTISING FEES**Clause 16: Practicing fees.**

- (1) No registered person shall practice as a Registered Dietitian in any year unless he has paid to the Council in respect of that year, the appropriate practicing fee which shall be due January of every year or as may be prescribed by the Council:

- (a) in the case of a Registered Dietitian above fifteen (15) years post registration experience, ₦10,000;
 - (b) in the case of Dietitian of less than fifteen years but more than (10) years post registration experience, ₦7,500;
 - (c) in the case of a Dietitian of ten years or below post registration experience, ₦5,000;
 - (d) in the case of a Dietitian undergoing internship training ₦2,500;
 - (e) in the case of a Dietitian undergoing the compulsory National Service, ₦1,000.
- (2) Without prejudice to being fully registered, any Registered Dietitian with at least fifty years post registration experience shall not pay practicing fee.
- (3) Every fully Registered Dietitian who has paid his registration fee as prescribed in subsection (1) of this section is exempted from payment of registration fee as in subsection (2) of this section, shall be entitled to an annual practicing license authorizing him, subject to any regulations in force, to practice the profession of Nutrition and Dietetics.
- (4) The Council may with the confirmation of the Minister vary the practicing fees prescribed in subsection (1) of this section,
- (5) The Council shall share the aggregate amount collected as practicing fee as follows:
 - (a) 70% to the Professional Association for Dietitians;
 - (b) 20%) to the Council;
- (6) Any Registered Dietitian who in respect of any year fail to pay his practicing fee is guilty of an offence and is liable on conviction:
 - (a) in the case of a first offence, to a fine twice the prescribed practicing fee; and
 - (b) in the case of a second or subsequent offence, to a fine of not less than ten times the prescribed practicing fee and if the Registered Dietitian is in the employment of any person, the employer is also guilty of an offence punishable in like manner as the Registered Dietitian if it is proved that the failure to pay the practicing fee was with his knowledge, consent and connivance (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 17: Dietetics internship programme.

- (1) Every tertiary or secondary Health facility where internship is undertaken in Nigeria shall on demand by Council, submit to the Council details of its dietetic internship curriculum, Staff strength, categories and qualifications of Staff, therapeutic diet kitchen, outpatient and inpatient facilities and availability of departments of medicine and surgery, pediatrics, obstetrics and gynecology for consideration and approval of the Council.

- (2) The Council shall thereupon, delegate to a committee of the Council the power to evaluate the contents of such curriculum, courses and facilities and ensure that such curriculum, courses and facilities will sufficiently equip any person pursuing Dietetics internship at the hospital with the requisite knowledge, skill and work experience for professional registration and practice of the Dietetics profession.
- (3) The Council shall where such a centre is approved, by instrument accredit such programme and as the case may be, as a fit and proper Dietetic internship training centre for the training of prospective registered Members.
- (4) Subject to this Bill, a person who has not obtained his first degree in Nutrition and Dietetics from an accredited institution shall not be eligible to undergo dietetic internship.
- (5) Subject to this Bill, a person who has not obtained his first degree in Nutrition and Dietetics from an accredited institution, and who has not been registered to practice, shall not be eligible to be employed as a dietitian or head a department of Nutrition and Dietetics in any tertiary institution in Nigeria (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 18: Approval of institutions and course for professional training and qualifications by Council.

- (1) The Council may approve any institution for the purpose of this Bill and may for those purposes approve:
 - (a) any course of professional training in Nutrition and Dietetics in any approved institution which is intended for persons seeking to become a Dietitian and which in the opinion of the Council is designed to confer on person completing it sufficient knowledge and competence for the practice of the profession;
 - (b) any qualification which, as a result of an examination taken in conjunction with a course of training approved by the Council under this section, is granted to candidates reaching a standard at the examination indicating in the opinion of the Council that the candidates have sufficient knowledge and competence to practice as Registered Dietitians.
- (2) The Council may, if it thinks fit, withdraw any approval given under this section in respect of any course, qualification or institution, but before withdrawing such an approval the Council shall:
 - (a) give notice that it proposes to do so to such person in Nigeria appearing to the Council to be a person by who the course is conducted or the qualification is granted or the institution is controlled, as the case may be;
 - (b) afford such a person an opportunity of making representation to the Council with regard to the proposal; and
 - (c) take into consideration any representation made as regards the proposal pursuant to paragraph (b) of this subsection.

- (3) A course, qualification or institution shall not be treated as approved during the period the approval is withdrawn under subsection (2) of this section.
- (4) Notwithstanding the provisions of subsection (3) of this section, the withdrawal of an approval under subsection (2) of this section shall not prejudice the registration or eligibility for registration of any person who by virtue of the approval was registered or was eligible for registration (either unconditionally or subject to his obtaining a certificate of experience) immediately before the approval was withdrawn.
- (5) The giving or withdrawal of an approval under this section shall have effect from such date, either before or after the execution of the instrument signifying the giving, or withdrawal of the approval, as the Council may specify in the instrument of the Council shall:
 - (a) publish a copy of every such instrument in the Gazette; and
 - (b) not later than seven days before its publication, send a copy of the instrument to the Minister (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 19: Supervision of instructions and examinations, etc.

- (1) It shall be the duty of the Council to keep itself informed of the nature of:
 - (a) the instruction given at approved institutions to persons attending approved courses of training, and (the institution must send their curriculum to the Council for approval and accredited every 3-5years as the case may be);
 - (b) the examinations as a result of which approved qualifications are granted and in the course of performing that duty the Council may appoint, either from among its own members or otherwise, persons to visit the approved institutions or to attend such examinations.
- (2) it shall be the duty of a visitor under this section to report to the Council on:
 - (a) the adequacy of the instruction given to persons attending approved courses of training at institutions visited by him;
 - (b) the adequacy of the examination attended by him; and
 - (c) any other matters relating to the instruction or examination on which the Council may, either generally or in a particular case, request him to report, but no such person shall interfere with the giving of any instruction or the holding of any examination.
- (3) On receiving a report made in pursuant to this section, the Council may, if it thinks fit, and shall, if so required by the institutions, send a copy of the report to the person appearing to the Council to be in charge of the instruction or responsible for the examination to which the report relates, requesting that person to make observation on the report to the Council within such period as may be specified in the request, not being less than one month beginning with the date of the request (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 20: Establishment of disciplinary tribunal and investigating panel.

- (1) There shall be established a Tribunal to be known as the Dietitians Council of Nigeria Disciplinary Tribunal (in this Bill referred to as "the Tribunal") which shall be charged with the duty of considering and determining any case referred to it by the Investigating Panel established by subsection (3) of this section and any other case of which the Tribunal has taken cognizance under the following provisions of this Bill.
- (2) The Tribunal shall consist of the Chairman and six other members appointed by the Council.
- (3) There shall be a body to be known as the Dietitians Council of Nigeria Investigating Panel (in this Bill referred to as "the Panel") which will be charged with the duty of:
 - (a) conducting a preliminary investigation into any case where it is alleged that a person registered has misbehaved in his capacity as a Dietitian or any other person subject of proceedings before the Tribunal; and
 - (b) deciding whether the case should be referred to the Tribunal.
- (4) The Panel shall be appointed by the Council and shall consists of four members of the Council and a member not being a member of the Council.
- (5) The provisions of the First Schedule to this Bill shall, so far as applicable to the Tribunal and Panel respectively, have effect with respect to those bodies.
- (6) The rules to be applied by the Disciplinary Tribunal with regards to Professional misconduct are as contained in the second schedule (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 21: Penalties for unprofessional conduct.

- (1) Where:
 - (a) a person registered under this Bill is adjudged by the Tribunal to be guilty of infamous conduct in any professional respect; or
 - (b) a person registered under this Bill is convicted by any court or Tribunal in Nigeria or elsewhere having power to award imprisonment of an offence (whether or not the offence is punishable with imprisonment) which in the opinion of the Tribunal is incompatible with the status of a Dietitian; or
 - (c) the Tribunal is satisfied that the name of any person has been fraudulently registered; the Tribunal may, if it thinks fit, give a direction reprimanding that person or ordering the Registrar to strike his name off the relevant part of the register.
- (2) The Tribunal may, if it thinks fit, defer its decision as to the giving of a direction under subsection (1) of this section until a subsequent meeting of the Tribunal; but:

- (a) no decision shall be deferred under this subsection for period exceeding two years in the aggregate; and
 - (b) no person shall be a member of the Tribunal for the purposes of reaching a decision which has been deferred unless he was present as a member of the Tribunal when the decision was deferred.
- (3) For the purpose of subsection (1) (b) of this section, a person shall not be treated as a convict, unless the conviction stands at a time when no appeal is pending or may (without extension of time) be brought in connection with the conviction.
- (4) When the Tribunal gives a direction under subsection (1) of this section, the Tribunal shall cause notice of the direction to be served on the person to whom it relates.
- (5) A person to whom a direction relates may, at any time within 28 days from the date of service on him, appeal against the direction to the Federal High Court and the Tribunal may appear as respondent to the appeal and, for the purpose of enabling direction to be given as to the costs of the appeal and of proceedings before the Tribunal, the Tribunal shall be deemed to be a party thereto whether or not it appears on the hearing of the appeal.
- (6) A direction of the Tribunal under section (1) of this section shall take effect:
 - (a) where no appeal under this section is brought against the direction within the time limited for such appeal, or on the expiration of that time;
 - (b) where an appeal is brought and is withdrawn or struck out for want of prosecution;
 - (c) where an appeal is brought and is not withdrawn or struck, but the appeal is dismissed.
- (7) A person whose name is struck off the register pursuant to a direction of the Tribunal under this section shall not be entitled to be registered in the register again except in pursuance of a direction in that behalf given by the Tribunal on the application of that person.
- (8) A direction under subsection (7) of this section for the striking off of a person's name from the register, may prohibit an application under this subsection by that person until after the expiration of such period from the date of the direction (and where he has duly made such an application, from the date of his last application) as may be specified in the direction (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

PART VI — APPLICATION OF THIS BILL TO UNREGISTERED PERSONS

Clause 22: Application of this Bill to unregistered persons.

Any person not a registered Dietitian who but for this Bill, would have been qualified to apply to practice the profession of Dietetics may, within, the period of one month beginning from the commencement of this Bill, apply for membership of the

profession in such manner as may be prescribed by rules made by the council; and if approved, he shall be registered, according to his qualification (This should be a one-off window of opportunity) (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 23: When a person is deemed to practice as a registered Dietitian.

Subject to subsection (2) of section 25, a person shall be deemed to practice as a dietitian if, in consideration of remuneration received or to be received and whether by him or in partnership with any other person:

- (a) engages in the practice of Dietetics or hold himself out to the public as a Dietitian; or
- (b) renders professional service or assistance in or about matter of principle or detail relating to Dietetics; or
- (c) renders any other service which may by regulations be made by the Council, with the approval of the Minister (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 24: Rules as to practice, etc.

(1) The Council may make rules:

- (a) for the training of suitable persons in Nutrition and Dietetics practice; and
- (b) for the supervision and regulation of the engagement, training and transfer of such persons.

(2) The Council may also make rules:

- (a) prescribing the form of license to be issued annually;
- (b) restricting the right to practice as a dietician in default of payment of the amount of the annual subscription where the default continues for longer than such as may be prescribed by the rules;
- (c) restricting the right to practice as a Dietitian if the qualification granted outside Nigeria does not entitle the holder to practice as dietitian.

(3) Rules made under this section shall if the chairman of the council so directs, be published in the gazette (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 25: Provision of library facilities, etc.

The Council shall:

- (i) provide and maintain a library comprising of books and publishing same for the advancement of Knowledge in Nutrition and Dietetics and such other books and publications as the Council may think necessary for the purposes.

- (ii) encourage research into Nutrition and Dietetics disciplines and allied subjects as may be considered necessary by the Council, from time to time, by the Council (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 26: Offences.

- (1) If any person for the purpose of procuring the registration of any name, qualification or other matter:
 - (a) makes a statement which he believes to be false in a material particular;
 - (b) recklessly makes a statement which is false in a material particular is guilty of an offence.
- (2) If on or after the relevant date, any person who is not a member of the profession practices or holds himself out to practice for or in expectation of reward, or takes, or uses any name, title, addition or description implying that he is authorized by the law to practice as a Dietitian and/or Nutritionist is guilty of an offence.
- (3) In the case of a person falling within subsection (1) (i) (m) of this Bill:
 - (a) the provision of subsection (2) of this section shall not apply in respect of anything done by him during the period of three months mentioned in that section; and
 - (b) if within that period he duly applied for membership of the profession, unless within the period he is notified that his application has not been approved, the provisions of subsection (2) of this section shall not apply in respect of anything done by him between the end of the period and the date on which he is registered or is notified.
- (4) If any other person employed by or on behalf of the Council willfully makes any falsification in any matter relating to the register, he is guilty of an offence.
- (5) If any employer employs any person as a Dietitian that does not possess the certificate of membership of the Council, he is guilty of an offence.
- (6) A person guilty of an offence under this section shall be liable:
 - (a) on summary conviction, to a fine of an amount not exceeding ₦20,000;
 - (b) on conviction on indictment, to a fine of an amount not exceeding ₦20,000 or to imprisonment for a term not exceeding two years, or both.
- (7) Where an offence under this section has been committed by a body corporate is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate of any person purporting to act

in any such capacity, shall be deemed to be guilty of that offence and shall be liable to be prosecuted and punished accordingly (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 27: Rules and regulations.

- (1) Any regulations made under this Bill, shall be published in the Gazette as soon as they are made and a copy of such regulations shall be sent to the Minister not later than seven days before they are published.
- (2) Rules made for the purpose of this Bill shall be subject to confirmation by the Professional Association for Dietitians at any special meeting convened for that purpose, and if then annulled, shall cease to have effect on the day after the date of annulment, but without prejudice to anything done in pursuance or intended to be done in pursuance of any such rules (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 28: Miscellaneous supplementary provisions.

- (1)
 - (a) Without prejudice to the rules made a contract may be void if it is inconsistent with the provision of an enactment.
 - (b) No person other than a fully registered Dietitian shall be entitled to bring any proceedings in any Court of law for the purpose of recovering any fee or other consideration whatsoever payable in respect of services as rendered or facilities or things supplied by him when purporting to Act as a registered Dietitian.
- (2) It shall be the duty of any person in charge of each Department of Nutrition and Dietetics in any higher institution in Nigeria to furnish to the Registrar not later than 31 March in every year a list of names and such other particulars as the Council may by order specify of all persons who are registered as Nutrition and Dietetics students in that school or faculty during that academic session;
- (3) It shall be the duty of the Dean of every faculty or school that offers Nutrition and Dietetics as a course of study in Nigerian approved by the council to furnish the Registrar with the list of candidates successful at the final examination immediately after the release of the result.
- (4) It shall be the duty of any person in charge of each Department of Nutrition and Dietetics in any hospital where dietetics internship is accredited and approved by the Council in Nigeria to furnish to the Registrar not later than 31 March in every year a list of names and such other particulars as the Council may by order specify of all persons who are registered as Dietetics interns in that health faculty during that year (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

PART VII — MEETINGS

Clause 29: Meetings.

- (1) The Council shall hold not less than 4 Council meetings every year, but the

President shall upon the requisition of not less than 5 members convene an emergency Council meeting to transact the business Council specified in the notice of that emergency Council meeting.

- (2) The President shall preside at any meeting of the Council; and in the absence of the President, the First Vice-President shall preside and in the absence of both the President and the First Vice-President, the Second Vice-President shall preside and where he is also not available, members of the Council present shall elect one of their member to preside at such a meeting.
- (3) The proceedings of the Council shall not be affected by the absence of any member of the Council or any defect in the election or appointment of any member or by reason that a person not entitled to be part of the Proceedings, has taken part in such proceedings.
- (4) The Council may make standing orders to regulate its proceedings and those of any of its committees.
- (5) The Council shall hold an annual general meeting of all Members every year.
- (6) The President shall preside at any annual general meeting of the Council; and in the absence of the President, the First Vice-President shall preside, and in the absence of the First Vice-President, the Second Vice-President shall preside and where both the President and the two Vice- Presidents are absent, the members present shall elect one of their number to preside at such meeting (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

PART VIII — MISCELLANEOUS

Clause 30: Regulations.

- (1) The Council may make regulations to carry into effect any of the provisions of this Bill.
- (2) Without prejudice to Subsection (1), the Council may make regulations to:
 - (a) prescribe the fees, dues and subscriptions payable by the Members;
 - (b) prescribe the forms of the licenses and certificates, to be issued to Dietitians;
 - (c) prescribe the date, procedure and agenda of the annual general meeting of the Council; and
 - (d) specify the offices and duties of the officers of the Council (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Clause 31: Interpretation.

In this Bill, unless the context otherwise requires:

"Complainant" means any person who makes an allegation of professional misconduct against a registered Dietitian or associate (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

"Council" means the Dietitians Council of Nigeria established under section 1 of this Bill (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

"Dietitian" means a person registered to practice as a Dietitian-Nutritionist by the Council (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

"Dietitian/dietitian- nutritionist" means a professional who applies the science of food and nutrition to promote health, prevent and treat disease (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

Question that the meaning of the words "Dietitian/dietitian-nutritionist" be as defined in the interpretation to this Bill — Agreed to.

"Disciplinary Tribunal" Means the Dietitians Council of Nigeria Disciplinary Tribunal Established under section 17 (3) of this Bill (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

"Fees" Includes annual practising fee (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

"Members" means a Registered member or an Associate of the Council (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama 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 the responsibility for matters relating to health (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

"Panel" means the Dietitians Council of Nigeria Investigation Panel (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

Question that the meaning of the word “Panel” be as defined in the interpretation to this Bill — Agreed to.

"Profession" means Dietetics profession (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

Question that the meaning of the word “Profession” be as defined in the interpretation to this Bill — Agreed to.

"Professional Association for Dietitians" means Association of Nigerian Dietitians (AND) (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

Question that the meaning of the words “Professional Association for Dietitians” be as defined in the interpretation to this Bill — Agreed to.

"Register" means the Register maintained in pursuance of section 9 of this Bill (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

Question that the meaning of the word “Register” be as defined in the interpretation to this Bill — Agreed to.

"RDN" means Registered Dietitian-Nutritionist (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

Question that the meaning of the abbreviation “RDN” be as defined in the interpretation to this Bill — Agreed to.

"Secretary" means a person appointed to act as the Registrar of the Dietitians Council of Nigeria (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

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

Clause 32: Citation.

This Bill may be cited as the Dietitians Council of Nigeria (Establishment) Bill, 2024 (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

SCHEDULES

FIRST SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY TRIBUNAL AND INVESTIGATING PANEL

Disciplinary Tribunal

1. The quorum of the Disciplinary Tribunal shall be four members

2.
 - (1) The Attorney General of the Federation shall make rules as to the selection of members of the Disciplinary Tribunal for the purpose of any proceeding, the procedure to be followed and the rule of evidence to be observed in proceedings before the Disciplinary Tribunal.
 - (2) The rules shall in particular provide:
 - (a) for securing that notice of the proceedings shall be given at such time and in such manner, as may be specified by the rules to the persons who is the subject of the proceedings;
 - (b) for determining who, in addition to the person aforesaid, shall be a party to the proceedings;
 - (c) for securing that any part of the proceeding shall, if he so requires, be entitled to be heard by the Disciplinary Tribunal;
 - (d) for securing that any part to the proceeding may be represented by a legal practitioner;
 - (e) subject to the provision of this Bill, as to the costs of proceedings before the Disciplinary Tribunal;
 - (f) for requiring in a case where it is alleged that the person who is the subject of the proceedings is guilty of infamous conduct in any professional respect, that where the Disciplinary Tribunal adjudges that the allegation has not been proved it shall record a finding that the person is not guilty of such conduct in respect of the matters to which the allegation relates; and
 - (g) for publishing in the Gazette notice of any direction of the Disciplinary Tribunal which has taken effect providing that a person's name shall be struck off a register.
3. For the purpose of any proceedings before the Disciplinary Tribunal any member of the Disciplinary Tribunal may administer oaths and any party to the proceedings may issue out of the registry of the Federal High Court writs of subpoena ad testificandum and deciestecum but no person appearing before the Disciplinary Tribunal shall be compelled:
 - (a) to make any statement before the Disciplinary Tribunal tending to incriminate himself; or
 - (b) to produce any document under such a writ which he could not be compelled to produce at the trial of an action.
4.
 - (1) For the purpose of advising the Disciplinary Tribunal on questions of law arising in proceedings before it, there shall in all such proceedings be an assessor to the Disciplinary Tribunal who shall be appointed by the Council on the nomination of the Attorney General of the Federation and shall be a legal practitioners of not less than seven years post-call experience.
 - (2) The Attorney-General of the Federation shall make rules as to the functions of assessors appointed under this paragraph and in particular such rules shall contain provisions for securing:
 - (a) that where an assessor advises the Disciplinary Tribunal on any questions of

law as to evidence, procedure or any other matters specified by the rules, he shall do so in the presence of every party or person representing a part to the proceedings who appears thereat or, if the advice every such party or person as aforesaid shall be informed what advice the assessors has tendered; and

- (b) that every such part or person as aforesaid shall be informed if in any case the Disciplinary Tribunal does not accept the advice of the assessor on such a question as aforesaid.
- (3) An assessor may be appointed under this paragraph either generally or for any particular proceedings or class of proceedings and shall hold and vacate office in accordance with the terms of the letter by which he is appointed.

The Investigation Panel

- 5. The quorum of the investigating panel shall be three, all of whom shall be registered Dietitians.
- 6.
 - (1) The Investigating Panel may, at any of its meetings attended by the members of the Investigating Panel, make standing orders with respect to the Investigating Panel.
 - (2) Subject to the provision of any such standing orders, the investigating panel may regulate its own procedure.

Miscellaneous

- 7.
 - (1) A person ceasing to be a member of the Disciplinary Tribunal or the Investigating Panel shall be eligible for appointment as a member of that body.
 - (2) A person may, if otherwise eligible, be a member of both the Disciplinary Tribunal and the Investigating Panel, but no person who acted as a member of the Investigating Panel with respect to any case shall act as a member of the Disciplinary Tribunal with respect to that case.
- 8. The Disciplinary Tribunal or the Investigating Panel may act notwithstanding any vacancy in its membership and the proceedings of either body shall not be invalidated by any irregularity in the appointment of a member of that body or subject to paragraph 7 (2) of this schedule, by reason of the fact that any person who was not entitled to do so took part in the proceedings of that body.
- 9. Any document authorized or require by virtue of this Bill to be served on the Disciplinary Tribunal or the investigation panel shall be served on the Registrar.
- 10. Any expenses on the Disciplinary Tribunal or the investigating panel shall be defrayed by the Council
- 11. A person shall not by reason of his appointment as an assessor to the Disciplinary Tribunal, be treated as holding an office in the public service of the Federation (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

SECOND SCHEDULE

DIETITIANS COUNCIL OF NIGERIA (DISCIPLINARY TRIBUNAL) RULES

Reference to the tribunal

1. In any case where in pursuance of section 21(3) of the Act the Panel is of the Opinion that a prima facie case is shown against a, Dietitian, the Panel shall prepare a report of the case and formulate any appropriate charge or charges and forward them to the secretary together with all the documents considered by the Panel.

Chairman to convene the Tribunal

2. The secretary shall refer the report and the charges to the chairman of the Dietitians, Council of Nigeria who shall convene a meeting of the Tribunal, as set up in accordance with rule 3 of these Rules.

Composition of the Tribunal

3.
 - (1) Whenever any case of professional misconduct against a registered Dietitian or registered dietetics or associate is referred to the Tribunal by the Panel, such a case shall be heard by the chairman and six other members of the Council appointed by the Council.
 - (2) The chairman of the Council, or in his absence, anyone appointed in that behalf shall be chairman of the Tribunal.
 - (3) Four members of the Tribunal, including the chairman, shall form a quorum.
 - (4) An assessor appointed by the Council on the nomination of the Attorney-General of the Federation in accordance with paragraph 4 (1) of Schedule 2 to the Act shall sit with the Tribunal and it shall be the duty of such assessor to advise the Tribunal on questions of law arising in proceedings before it.
 - (5) Except where the Tribunal is deliberating in close session, the advice of an assessor on questions of law as to evidence, procedure and as to compliance with the Act shall be tendered in the presence of every party or his representative.
 - (6) Where the advice of the assessor is tendered while the Tribunal is deliberating in close session, the assessor shall personally, as soon as may be, inform each party or his representative in writing of the question which has been put to him by the Tribunal and of his advice thereon.
 - (7) Every party or his representative shall be informed whenever the advice tendered by the assessor has not been accepted.

Parties to the proceedings before the Tribunal

4.
 - (1) The parties to the proceedings before the Tribunal shall be:
 - (a) the chairman of the panel;
 - (b) the registered Dietician or Associate whose conduct is the subject matter of the proceedings;
 - (c) if the Tribunal so directs, the complainant, who may be represented by a legal practitioner; and
 - (d) such other person required by leave of the Tribunal to be joined.

- (2) The registered Dietitian or associate whose conduct is the subject matter of the proceedings may appear either in person or be represented by a legal practitioner and the Tribunal may also employ the services of a legal practitioner to present the case before it.

Fixing of hearing and service of notice, etc. thereof by the secretary

5.
 - (1) On the direction of the Chairman of the Tribunal, the secretary shall fix a day for the hearing of the case and shall serve notice thereof on each party to the proceedings.
 - (2) The secretary shall serve on each party, other than the complainant, copies of the report and all the charges prepared by the Panel and all the documents considered by the Panel.
 - (3) Service of any document on the registered Dietitian or Associate whose conduct is the subject matter of the proceedings may be effected either by handing the documents to him personally or by sending it by registered post to the address recorded in the register maintained in sub 4 of section 11 of the Act.

Hearing in absence of parties

6.
 - (1) If any party fails to appear at the hearing, the Tribunal may, upon proof of service on such party proceed to hear and determine the case in his absence.
 - (2) Any party to a proceeding before the Tribunal who fails to appear at the hearing, may within one calendar month from the pronouncement of the findings and directions of the Tribunal and upon giving notice to every other party and to the secretary, apply to the Tribunal for a re-hearing.
 - (3) The Tribunal, if satisfied that it is just that the case should be re-heard, may grant the application on such terms and costs or otherwise as it thinks fit.

Hearing of witnesses and reception of documents

7. The Tribunal may, in the course of its proceedings, hear such witnesses and receive such documentary evidence as in its opinion may assist it in arriving at a conclusion as to the truth or otherwise of the allegations of misconduct to it by the Panel.

Amendment of charges before the Tribunal

8. If in the course of the proceedings it appears to the Tribunal that the charges forwarded to it by the Panel require to be amended or added to, the Tribunal may permit such amendments or addition as it shall think fit.

Holding of proceedings in public

9. The proceedings of the Tribunal shall be held and its findings and directions shall be pronounced in public.

Adjournment

10. The Tribunal may, of its own motion, or upon the application of any party, adjourn the hearing on such terms as to costs or otherwise as the Tribunal may think fit.

Penalty for giving false evidence

11. If any person willfully gives false evidence on oath before the Tribunal during the course of

any proceedings, or willfully makes a false statement in any affidavit sworn for the purpose of any such proceedings, the Tribunal may refer the matter to the Attorney-General of the Federation for necessary action.

Findings of not guilty

12. If, after the hearing, the Tribunal adjudges that the allegations of infamous conduct in a professional respect have not been proved, the Tribunal shall record a finding that the registered Dietitian or Associate is not guilty of such conduct in respect of the matter to which the allegation relates.

Costs

13. The Tribunal may, without finding any misconduct proved against a Dietitian, nevertheless order any party to pay the costs of the proceedings having regard to his conduct and to all circumstances of the case the Tribunal shall think fit so to order.

Publications of Directions of Tribunal

14. Subject to the provisions of section 22 (5) of the Act (relating to the lodging of an appeal against the direction of the Tribunal) any direction given by the Tribunal in accordance with section 22 (1) of the Act, shall be published in the Federal Gazette as soon as such direction takes effect.

Record of Proceedings

15. (1) Shorthand notes of proceedings may be taken by a person appointed by the Tribunal and any part who appeared at the proceedings shall be entitled to respect the transcript thereof.
- (2) The secretary shall supply to any person entitle to be heard upon an appeal against the direction of the Tribunal and to the Council, but to no other person, a copy of the transcript of such notes on payment of such charges as may be determined by the secretary.
- (3) If no shorthand notes are taken, the chairman of the Tribunal shall take a note of the proceedings and the provisions of these Rules as to inspection and taking of copies shall apply to such notes accordingly.

Dispensing with provision

16. The Tribunal may dispense with any requirement of these Rules respecting notices, affidavit, documents, service or time in any case where it appears to the Tribunal to be just to do so.

Extension of time

17. The Tribunal may, in any given case, extend the time to do anything under these Rules.

Exhibits and books

18. The Tribunal may order that any books or other exhibits, produced or used at a hearing, be retained by the secretary until the time within which an appeal may be entered has expired, and if notice of appeal is given, until the appeal is heard or otherwise disposed of (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

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

Explanatory Memorandum:

This Bill seeks to establish Dietitian Council of Nigeria, to regulate the practice of the Profession of Dietetics and Nutrition and for other matters connected therewith to achieve a more wholesome Dietetics practice and maintain standards among Dietetic Practitioners (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency*).

Agreed to.

Long Title:

A Bill for an Act to Establish the Dietitians Council of Nigeria to Regulate the Profession of Dietetics; and for Related Matters (HB. 1114) (*Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama 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 Dietitian Council of Nigeria to Regulate the Profession of Dietitians and for Related Matters (HB.1114) and approved Clauses 1- 4, approved Clause 5 as amended, approved Clauses 6-7 and deferred further consideration of the Bill.

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

(vi) Committee on Shipping Services and Related Matters:

Motion made and Question proposed, “That the House do consider the Report of the Committee on Shipping Services and Related Matters on a Bill for an Act to Repeal the Nigeria Shippers' Council Act, Cap. N133, Laws of the Federation of Nigeria, 2004 and Enact Nigeria Shipping and Port Economic Regulatory Agency and for Related Matters (HB.1038)” (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal 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 NIGERIA SHIPPERS' COUNCIL ACT (CAP. N133, LFN, 2004) AND ENACT THE NIGERIA PORT ECONOMIC REGULATORY AGENCY BILL TO PROVIDE FOR ECONOMIC REGULATION OF PORT SERVICES; AND OTHER RELATED MATTER

PART I — OBJECTIVES, APPLICATION AND SCOPE OF THE BILL

Committee's Recommendation:

Clause 1: Objectives.

The objectives of this Bill are to —

- (a) establish the Nigeria Ports Economic Regulatory Agency as an economic regulatory authority (hereinafter referred to in this Bill as "the Agency") for port services (hereinafter referred to in this Bill as "regulated services") and to set out the objectives, scope, functions, and powers of the Agency;
- (b) establish a regulatory framework for the effective and efficient economic regulation of regulated services and related activities, for the control of tariffs, rates, and charges to guard against arbitrariness;
- (c) promote the implementation of Government policies as they relate to the mandate of the Agency;
- (d) monitor compliance of regulated service providers, and users in the regulated sector with the provisions of this Bill and advise the Government through the Minister, on matters related thereto;
- (e) create an enabling environment for private sector participation in the provision of regulated services in Nigeria;
- (f) promote the implementation of relevant trade facilitation instruments to ensure seamless movement of cargo across trade corridors;
- (g) promote the automation and digitalisation of all cargo reception and handling processes and procedures; and
- (h) without prejudice to the provisions of competition and consumer protection laws in force in Nigeria, promote competition, and ensure consumer protection and quality of service delivery in the regulated sector (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

Committee's Recommendation:

Clause 2: Application and Scope.

This Bill shall apply to —

- (a) the regulated sector in Nigeria;
- (b) the provision of regulated services in Nigeria; and
- (c) all providers and users of regulated services in Nigeria (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

PART II — ESTABLISHMENT, FUNCTIONS AND POWERS OF THE AGENCY

Committee's Recommendation:

Clause 3: Establishment of the Agency.

- (1) There is established a body to be known as the Nigeria Port Economic Regulatory Agency (in this Bill referred to as "the Agency").
- (2) The Agency —

- (a) is a body corporate with perpetual succession and a common seal that may sue and be sued in its corporate name;
 - (b) may enter into contracts and incur obligations, acquire, hold, mortgage, purchase, sell, lease, and deal with property, whether movable or immovable, real or personal, out to discharge any of its functions under this Bill;
 - (c) do all acts and things which a body corporate may, by law do and which are necessary or convenient for the purpose of this Bill; and
 - (d) exercise all of the powers given to it under this Bill and do all acts and things which are necessary or convenient for performing its functions and discharging its duties under this Bill.
- (3) The common seal of the Agency shall be kept in the custody of the Secretary to the Board.
- (4) The Agency shall be structured as appropriate for the effective performance of its functions and operations (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

Committee's Recommendation:

Clause 4: Functions and Powers of the Agency.

- (1) The functions of the Agency shall be to —
- (a) administer and enforce the provisions of this Bill and any other subsidiary legislation;
 - (b) establish a regulatory framework for the provision of regulated services and regulation of economic activities related thereto;
 - (c) implement the government's economic regulatory policies in the regulated sector ;
 - (d) conduct periodic review of the economic activities of regulated service providers and users;
 - (e) monitor compliance by all parties with the terms of any valid port concession agreement, arrangement, contract, service level agreement, or any other agreement, arrangement, or understanding entered into by or between regulated service providers for the provision of regulated services in Nigeria;
 - (f) set terms, conditions, and fees for the registration of the regulated service providers in the regulated sector in Nigeria;
 - (g) set, monitor, assess, and enforce performance standards relating to the provision of services in the regulated sector;
 - (h) advise the Government of the Federation through the Minister on trends and matters generally relating to the regulated sector including cargo reception, handling, movement, trade facilitation,

port concessions, transport facilities, freight rates, terms of shipment, port charges, haulage rates, and other related matters and make recommendations thereto;

- (i) consider challenges faced by regulated service providers and users and make appropriate recommendations to the Government.
- (j) conduct and support research into challenges faced by regulated service providers and users and take appropriate measures, in that regard;
- (k) promote the facilitation of international trade in Nigeria, implement and enforce compliance with relevant bi-lateral, multi-lateral, regional, and continental trade and transport instruments as they relate to the mandate of the Agency;
- (l) receive and handle complaints and disputes on any economic regulatory matter involving regulated service providers and users, using such dispute-resolution mechanism, as the Agency may deem appropriate;
- (m) perform a mediatory role among regulated service providers and users;
- (n) make such regulations as may be necessary under this Bill to give full effect to the provisions of this Bill and carry out such other functions and responsibilities given to the Agency under this Bill, or any other legislation;
- (o) subject to competition and consumer protection laws for the time being in force in Nigeria —
 - (i) promote, encourage, and facilitate effective competition and a transparent, competitive market and discourage monopoly, oligopoly, and abuse of dominant market position, or non-transitory market power,
 - (ii) ensure the prevention of unfair practices including price or rate fixing, discrimination, predatory pricing amongst some competitors or against others or against regulated service users, hoarding, and other restrictive or exclusive contracts that have or may have a negative effect within the regulated sector,
 - (iii) protect the interest of providers and users of regulated services by ensuring that prices are fair, reasonable, competitive, and generally on matters of common interest.

(2) The Agency shall perform its functions in such a manner as not to contravene any legal instrument implemented by other government agencies, and shall facilitate compliance with obligations under such instruments.

(3) In the case of any conflict between this Bill and any sector legislation on the economic regulatory functions and powers of the Agency, the provisions of this Bill shall prevail (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

PART III — ESTABLISHMENT, MEMBERSHIP,
QUALIFICATION, POWERS, ETC. OF THE BOARD

Committee's Recommendation:

Clause 5: Establishment of the Governing Board.

There is established for the Agency a Governing Board ("the Board") which shall consist of members appointed by the President under section 6 (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

Committee's Recommendation:

Clause 6: Membership of the Board.

- (1) The Board shall consist of:
 - (a) a part-time Chairman;
 - (b) a Director-General/CEO;
 - (c) a representative of the Ministry responsible for the regulated sector, not below the rank of Director; and
 - (d) five part-time Members.
- (2) The Chairman and Members shall constitute the Board and may regulate the proceedings of the Board (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

Committee's Recommendation:

Clause 7: Qualification of Members.

- (1) Members of the Board shall be persons of recognised qualification, and cognate experience in at least one or more of the following fields:
 - (a) port management;
 - (b) transport and logistics;
 - (c) law;
 - (d) economics;
 - (e) finance; and
 - (f) administration.
- (2) Subject to subsection (1) of this section, the President shall, in nominating members to the Board —
 - (a) take into consideration the objects of this Bill and the functions of the Agency;

- (b) ensure that the appointment of the Chairman and members of the Board reflect representation of the six geo-political zones in the country;
 - (c) ensure that the nominee for appointment as Director-General/CEO, possess at least 15 years of cognate experience; and
- (3) A person shall not be appointed, or remain in office, as a member of the Board of the Agency if he/she:
 - (a) is not a citizen of Nigeria;
 - (b) is a serving member of the National Assembly, a State House of Assembly or any Local Government or Area Council;
 - (c) is incapacitated by any physical illness;
 - (d) has been certified to be of unsound mind;
 - (e) is an un-discharged bankrupt;
 - (f) has been convicted in Nigeria or elsewhere of a criminal offence involving fraud or dishonesty; or
 - (g) has at any time been removed from an office of trust on account of misconduct (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

Amendment Proposed:

In Subclause (1) (a), immediately after the words “port management”, *insert* the words “and any related discipline” (*Hon. Chinda Kingsley — Obio/Akpor Federal Constituency*).

Question that the amendment be made — Agreed to.

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

Committee’s Recommendation:**Clause 8: Tenure of Chairman and Members of the Governing Board.**

The Chairman and members of the Board, except *ex-officio* member, shall hold office for a term of three years and may be eligible for re-appointment for a further term of three years and no more (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

Committee’s Recommendation:**Clause 9: Remuneration of members of the Governing Board.**

The Chairman and members of the Board shall be paid such allowances and expenses as the Federal Government may from time to time approve (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

Committee’s Recommendation:**Clause 10: Removal of a Board Member.**

- (1) A member of the Board referred to in section 6 (1) of this Bill, may be removed from office by the President if the member —

- (a) has been convicted of a criminal offence;
 - (b) has been declared bankrupt;
 - (c) is suffering from prolonged ill health; or
 - (d) has been found wanting in the discharge of his or her duties on grounds of infirmity of mind, body, or misconduct.
- (2) Subject to subsection (4) of this section, in the instance of a vacancy on the Board that are created consequent upon death, removal or resignation of a member, any person so appointed shall hold office for the unexpired period of the term of office of his predecessor.
- (3) Where a vacancy occurs in the non-executive membership of the Board, the President may appoint a successor to represent the same interest as that non-executive member, whose exit created the vacancy.
- (4) The provisions of subsection (2) of this section shall not apply to the filling of vacancies in respect of the Director-General.
- (5) A vacancy in the Board shall be filled by the appointment of another person to the vacant office by the President in accordance with section 7 as soon as is reasonably practicable, after the occurrence of such vacancy.
- (6) Notwithstanding the provisions of sub-section (1) of this section, the President shall have the power to remove any member who the President believes his stay on the Board is not in the best interest of the general public (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

Committee's Recommendation:

Clause 11: Resignation of a Member.

A Member may resign his/her appointment by giving 3 months written notice thereof addressed to the President through the Minister (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

Committee's Recommendation:

Clause 12: Cessation of Membership.

- (1) A person shall cease to hold office as a member of the Board where —
- (a) the term of office expires;
 - (b) the person resigns from office by a notice in writing addressed to the President through the Minister;
 - (c) in the case of an ex officio member, the person ceases to hold office on the basis of his appointment or withdrawal of the nomination;
 - (d) the person is removed from office under section 10; or
 - (e) the person dies.

- (2) Where a vacancy occurs in the membership of the Board under this section, the President may appoint a successor to hold office for the unexpired term of office of his/her predecessor and the successor shall represent the same interest as that member, whose exit created the vacancy (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

Committee's Recommendation:

Clause 13: Powers of the Board.

- (1) The Board of Directors shall be responsible for the —
 - (a) formulation of the general policies of the Agency,
 - (b) approval of the establishment of departments for the Agency as may become necessary, and
 - (c) carryout such other activity as may be necessary to the smooth discharge of any of its functions under this Bill or subsidiary legislation.
- (2) The Board shall not exercise any of the executive functions of the Agency vested in the Director-General/CEO under this Bill, its subsidiary legislation or regulations.
- (3) The Board shall have recourse, in addition to any relevant guidelines on the governance of public bodies, to such generally acceptable principles of good corporate governance (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

Committee's Recommendation:

Clause 14: Proceedings of the Board.

- (1) Subject to the provisions of this Bill and section 27 of the Interpretation Act, the Board may make orders regulating its proceedings, and acts of the Board shall be deemed to be acts of the Agency,
- (2) The Board shall sit at least four times in a year.
- (3) At any meeting of the Board, the Chairman shall preside and, in his absence, the Members present shall appoint one of them to preside at that meeting.
- (4) Where the Board desires to obtain the advice of any person on a particular matter, the Agency may arrange for such a person to consult or attend proceedings with the Board for such period as it deems necessary, but a person who is in attendance by virtue of this sub-section is not entitled to vote at such proceedings.
- (5) Determine the allowance, benefits and expenses howsoever called, payable to the Director-General/CEO, and members of staff of the Agency in accordance with extant Federal Government Guidelines (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

Committee's Recommendation:**Clause 15: Quorum.**

- (1) The quorum of the Board shall at all times be —
 - (a) the Chairman or the person presiding at the meeting,
 - (b) the Director-General/CEO or the person acting in his capacity, and
 - (c) other members comprising of either —
 - (i) two members, or
 - (ii) *ex-officio* member and one part-time member.
- (2) The quorum of any committee of the Board shall be determined by the Board (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

Committee's Recommendation:**Clause 16: Validity of Proceedings.**

The validity of any proceedings of the Board or committee set up under section 18 of this Bill shall not be affected by —

- (a) a vacancy in the membership of the Board or committee;
- (b) a defect in the appointment of a member of the Board or committee; or
- (c) reason that a person not entitled to do so took part in the proceedings of the Board or committee (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

Committee's Recommendation:**Clause 17: Conflict of Interest.**

- (1) The conflict of interest provisions contained in the Schedule to this Bill applies to all staff and employees of the Agency.
- (2) Any member of the Board or committee who has personal interest in any contract, arrangement or matter to be considered by the Board or committee shall disclose such interest to the Board or committee and shall not vote on any question relating to the contract, arrangement or matter (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

Committee's Recommendation:**Clause 18: Committees.**

- (1) The Board may set up one or more committees to carry out, on behalf of the Board, such functions as the Board may determine.
- (2) A committee set up under subsection (1) of this section shall consist of such number of persons as the Board may determine.

- (3) The Board may, subject to such conditions as it may think fit, delegate any of its powers relating to the appointment of or the exercise of disciplinary control (including dismissal) over its employees to the Director-General or to any other employee of the Agency (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

Committee's Recommendation:

Clause 19: The Seal of the Agency.

- (1) The fixing of the seal of the Agency shall be authenticated by the signatures of the Chairman or Director-General or any person generally or specifically authorised by the Board to act for that purpose.
- (2) Any contract or instrument, which if made or executed by a person not being a body corporate would not be required to be under seal, may be made or executed on behalf of the Agency by the Director-General or any person generally or specifically authorised by the Board to act for that purpose.
- (3) Any document purporting to be a document duly executed under the seal of the Board shall be received in evidence and shall, unless the contrary is proved, be presumed to be so executed (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

Committee's Recommendation:

Clause 20: Delegation of Power.

- (1) The Board may, by instrument under its common seal, delegate to:
- (a) a Member;
 - (b) the Secretary; or
 - (c) a member of a department, unit, committee or panel appointed or designated by the Agency or the Board,
- any of its functions or powers under this Bill, regulation or any other relevant legislation, except the Board's power to delegate or make regulations under this Bill.
- (2) A person who holds any delegated power under this section shall exercise the delegated power in accordance with the instrument of delegation and report to the Agency or the Board on the exercise of such powers and at such intervals as may be determined by the Agency or the Board (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

Committee's Recommendation:

Clause 21: Personal liability.

A Member, an employee or a member of a committee or panel acting under a delegation under section 20 is not personally liable for anything done or omitted to be done in good faith in the:

- (a) exercise of a power or the performance of a function under this Bill or any relevant legislation; or
- (b) reasonable belief that the act or omission was in the exercise of a power or performance of a function under this Bill or any relevant legislation (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

PART IV — MANAGEMENT AND STAFF OF THE AGENCY

Committee's Recommendation:

Clause 22: Director-General/CEO.

- (1) Subject to section 7 (1), (2) (a) & (c) of this Bill, the President shall appoint a Director-General/CEO for the Agency who shall hold office for a term of four years, on such terms and conditions as may be specified in his letter of appointment, and may be reappointed for a further term of four years and no more.
- (2) The Director-General is the Chief Executive and Accounting Officer of the Agency and shall be responsible for the:
 - (a) execution of the policies, decisions and programmes of the Agency;
 - (b) management, administration and supervision of the activities, accounts and records of the Agency;
 - (c) implementation of the Agency's regulatory and other functions;
 - (d) direction, supervision and control of all other employees of the Agency and, subject to such restrictions as the Board may impose, for disposing of all questions relating to the service of the employees, their pay, allowances and privileges.
- (3) The Director-General/CEO may in writing, delegate any of his powers or assign any of his/her duties to any staff of the Agency.
- (4) The Director-General/CEO shall perform such other functions as are assigned to him/her under this Bill or by the Board (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

Committee's Recommendation:

Clause 23: Board Secretary.

- (1) There shall be appointed by the Agency a Board Secretary who shall be a lawyer with relevant and adequate professional qualifications and at least 10 years post qualification experience.
- (2) The Secretary shall be responsible to the Board through the Director-General/CEO for —
 - (a) convening on the authority of the Chairman, meetings of the Board,
 - (b) recording the minutes of all meetings of the Board, Management and such other meetings of the Agency or Board;

- (c) maintaining and keeping proper records of proceedings of the Agency and register of Members of the Board;
- (d) keeping in safe custody the common seal of the Board;
- (e) keeping in safe custody, all title documents relating to the Agency's assets and properties;
- (f) keeping in safe custody all contracts and agreements entered into by the Agency with any third party;
- (g) providing support services to Board and Management;
- (h) coordinating, overseeing activities of and providing secretariat services to the Board and Management Committees; and
- (i) carrying out such other duties and responsibilities as the Agency or the Board may assign to him (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

Committee's Recommendation:

Clause 24: Members of Staff of the Agency.

- (1) The Agency may appoint such other persons as it deems necessary, as staff and employees of the Agency in line with applicable Public Service Rules.
- (2) The employment of the staff shall be subject to such terms and conditions as may be stipulated by the Agency (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

Committee's Recommendation:

Clause 25: Remuneration of Employees of the Agency.

- (1) The Agency shall develop and implement appropriate conditions of service in line with Public Service Rules, for its staff and employees with particular regard to the issue of remuneration, pension schemes and other service benefits, sufficient for the Agency to attract and retain knowledgeable and expert manpower.
- (2) The Agency shall have the power to set, determine and review the salaries and allowances of the members of staff of the Agency, as may from time to time be approved by the Governing Board of the Agency, in line with extant Government guidelines,
- (3) The conflict of interest provisions contained in the Schedule to this Bill applies to all staff and employees of the Agency (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

Committee's Recommendation:

Clause 26: Application of the Pensions Act, etc.

- (1) The Federal Civil Service Commission may by order published in the

Federal Gazette declare the office of the Director-General, or that of any person employed by the Agency to be a pensionable office for the purposes of the Pensions Act.

- (2) Subject to subsections (3) and (4) of this section, the Pensions Act shall, in its application by virtue of subsection (1) of this section to any office, have effect as if the office were in the civil service of the Federation within the meaning of the Constitution of the Federal Republic of Nigeria.
- (3) For the purposes of the application of the provisions of the Pensions Act in accordance with subsection (2) of this section, any power exercisable thereunder by a Minister or other Agency of the Government of the Federation, other than the power to make regulations under section 35 thereof, is hereby vested in and shall be exercisable by the Agency and not by any other person or Agency.
- (4) Nothing in the foregoing provisions shall prevent the appointment of a person to any office on terms which preclude the grant of a pension or gratuity in respect of service in that office (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

PART V — FINANCIAL PROVISIONS

Committee's Recommendation:

Clause 27: Establishment of the Fund of the Agency.

- (1) The Agency shall establish and maintain a Fund from which shall be defrayed all expenditure incurred by the Agency.
- (2) There shall be paid or credited to the Fund established pursuant to subsection (1) of this section —
 - (a) initial take-off grant made available to the Agency by the Federal Government;
 - (b) such monies as may be appropriated to the Agency from time to time by the National Assembly;
 - (c) a charge of one (1 %) percent freight fee of the freight paid on every import into Nigeria;
 - (d) registration fees and dues accruable to the Agency under this Bill, any subsidiary legislation or regulation issued under this Bill or under any other law;
 - (e) all subscriptions, fees, levies and charges collected for services rendered by or due to the Agency;
 - (f) all fines payable for violation of the provisions of this Bill, subsidiary legislation, regulations, guidelines, notices, rules and orders;
 - (g) all sums accruing to the Agency by way of gifts, endowments, bequests, loans, grants, aid, other contributions by persons other

than from an operator or service provider or user in the regulated sector;

- (h) returns on investment;
 - (i) foreign aid and assistance; and
 - (j) all other sums which may, from time to time, accrue to the Agency.
- (3) The Agency shall have the power to review, from time to time, the percentage of fees payable or collectible under (2) (c) of this section in consultation with stakeholders.
- (4) The fees or charges to be collected by the Agency under subsection (2) (c) of this section shall at all times not apply to non-oil exports in accordance with extant Government Laws on the promotion of Nigeria's non-oil exports for the time being in force in Nigeria.
- (5) The accounts of the Agency for each financial year shall be audited within three months after the end of the year to which they relate by auditors appointed by the Agency, with the approval of the Minister responsible for Finance, from the list of auditors and in accordance with the guidelines supplied by the Auditor-General for the Federation and the fees of the auditors and the expenses of the audit generally shall be paid by the Agency (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

Committee's Recommendation:

Clause 28: Borrowing Powers, Gifts, etc.

- (1) The Agency may, with the prior consent of, or in accordance with the authority given by the Minister of Finance, borrow such sums of money or raise capital otherwise than from the Government as the Agency may require in the exercise of its functions under this Bill.
- (2) The Agency may accept gifts or grants of money or aid or other property from national, bilateral and multi-lateral organizations and upon such terms and conditions, as may be agreed upon between the donor and the Agency provided that the conditions are not inconsistent with the objectives and functions of the Agency under this Bill (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

Committee's Recommendation:

Clause 29: Annual Reports.

The Agency shall prepare and submit to the Minister not later than 30th June in each financial year a report in such form as the Minister may direct on the activities of the Agency during the immediately preceding financial year, and shall include in such report a copy of the audited accounts of the Agency for that year and the auditor's report thereon (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

Committee's Recommendation:**Clause 30: Exemption from Taxation.**

- (1) The Agency is exempted from the payment of tax on the income accruing from the investments made by the Agency.
- (2) The provisions of any enactment relating to the taxation of companies or trust funds shall not apply to the Agency (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

Committee's Recommendation:**Clause 31: Budget and Expenditure.**

- (1) The Agency shall, not later than 30th September in each financial year, prepare and submit to the National Assembly through the President its budget showing estimated income and the expenditure which the Agency proposes to incur in respect of the succeeding financial year in order to perform the functions of the Agency.
- (2) Subject to subsection (1), the Agency shall apply the money in the Agency's Fund established under section 28 for the:
 - (a) payment of administrative, operating, and maintenance costs, expenditure, and other overhead costs of the Agency;
 - (b) payment of allowances, expenditure, and other benefits of members of the Governing Board;
 - (c) payment of salaries, wages, fees, allowances, expenditure, benefits, and any other remuneration payable to the staff and employees of the Agency;
 - (d) purchase or acquisition of property, other equipment or capital expenditure or for maintenance of any property acquired or vested in the Agency; and
 - (e) performance of any of the objectives or functions of the Agency, or such other connected activities under this Bill, subsidiary legislation, or regulations (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

Committee's Recommendation:**Clause 32: Financial Year.**

- (1) The financial year of the Agency starts on 1st January and ends on 31st December of the same year or as may be declared by the Government in the official Gazette.
- (2) The Agency shall keep proper records of its accounts in respect of each year and shall cause its accounts to be audited within three months from the end of each financial year by auditors whose appointment is approved by the Agency and is subject to reappointment on annual basis provided that such auditors are on the list of auditors approved by the Auditor-General for the Federation (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

PART VI — REGULATIONS, GUIDELINES AND TARIFFS

Committee's Recommendation:

Clause 33: Power to issue and review Regulations and Guidelines.

- (1) The Agency may, subject to the approval of the Minister, make regulations prescribing all matters which by this Bill are required or permitted to be prescribed or which, in the opinion of the Agency, are necessary or convenient to be prescribed for carrying out or giving effect to this Bill.
- (2) Without prejudice to the generality of subsection (1) of this section, regulations made in terms of subsection (1) of this section may provide for any or all of the following:
 - (a) the administration of the affairs of the Agency, including the holding of meetings, hearings and proceedings, arbitration and mediation proceedings, the conduct of inquiries, investigations, and handling of information;
 - (b) the duties, powers, rights, and obligations of a licensee, certificate or permit holder;
 - (c) the procedure for applying for registration, requirements for information and documentation to be submitted by applicants;
 - (d) the procedure for amending or cancelling registration ;
 - (e) the determination of the standards of performance that will be required from a holder of registration certificate;
 - (f) the information that will be required from a holder of registration certificate and the manner and form by which it shall be provided;
 - (g) consumer protection matters, such as complaint handling procedures and practices;
 - (h) procedures for market monitoring, mitigation and enforcement;
 - (i) fees, fines and penalties that may be payable by service providers or users for violations of those things for which they may be levied under this Bill; and
 - (j) such other regulations as may be required.
- (3) The Agency shall from time to time as deemed necessary review its Regulations.
- (4) Regulations made under this section shall be published in the Federal Government Gazette by the Agency (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

Committee's Recommendation:**Clause 34: Regulation of Tariffs and Charges.**

- (1) In the exercise of its economic regulatory functions and powers under this Bill and in consultation with the regulated service providers and users, the Agency shall have the powers to —
 - (a) set guidelines on tariffs, rates and charges, including setting the minimum and maximum levels of tariffs that shall be applicable in the regulated sector in Nigeria;
 - (b) monitor and review tariffs, rates and charges to ensure compliance, by regulated service providers, with the approved guidelines set under paragraph (a) of subsection (1) of this section, taking into consideration the prevailing local and global economic trends affecting the regulated sector;
 - (c) set standards of service delivery and ensure availability, adequacy, quality accessibility, affordability and predictability of services, etc.; and
 - (d) publish from time to time as deemed necessary, all tariffs, rates, and charges levied by the regulated service providers.
- (2) Tariffs, rates, and/or charges levied, made, or published in contravention of paragraph (a) of subsection (1) of this section, shall constitute an infraction punishable in accordance with the provisions of this Bill (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

Committee's Recommendation:**Clause 35: Filing of Tariffs, Rates and Charges.**

A Regulated Service Provider —

- (1) shall file its tariffs, rates, and charges with the Agency in accordance with extant Guidelines of the Agency;
- (2) that fails to comply with the provision of this section, or the guidelines issued under this Bill, commits a contravention and shall be liable to payment of fines or appropriate sanctions as may be prescribed by the Agency in the Bill or Regulations (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

Committee's Recommendation:**Clause 36: Power to make Determination.**

- (1) The Agency shall have the power to make determinations for or with respect to prescribed services relating to:
 - (a) standards and conditions of service delivery;
 - (b) registration of regulated service providers market conduct;
 - (c) policy and guidelines on tariffs, dues, rates, fees, fines, levies, and/or charges; and

- (d) other economic regulatory matters.
- (2) In making a determination under this section, the Agency shall have regard to:
 - (a) the availability, quality and standards of services and/or facilities;
 - (b) the cost of services, access or use of the facilities;
 - (c) any factor specified in a sector legislation; and
 - (d) any other factor that the Agency considers relevant (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

Committee's Recommendation:

Clause 37: Determination and publication of charges and rates.

- (1) The Agency shall, to the exclusion of any other body or authority —
 - (a) issue guidelines on determination and publication of tariff, rates, charges, and/or regulated services specified in section 36.
 - (b) publish, periodically, tariffs, rates, and/or charges payable by regulated service users .
- (2) Any person or service provider who publishes tariffs, fees, rates, or charges in contravention of this section, commits an offence and shall:
 - (a) if first offender, be liable upon conviction, to a fine of, —
 - (i) in the case of clearing and forwarding agents, shipping agents, cargo consolidators, haulers, jetty operators, warehouse operators, logistics service providers other than shipping companies, seaport terminal operators, not less than ₦2,000,000.00 or imprisonment for a term of not less than six months or both;
 - (ii) in the case of shipping companies, seaport terminal operators, inland dry port operators and any other regulated service provider other than those listed in paragraph (a) (i) of subsection (2) of this section, not less than ₦20,000,000.00 or imprisonment for a term of not less than two years or both; and
 - (b) for any subsequent conviction, the offender shall be liable to a fine not less than twice the fines or imprisonment provided for in paragraph (a) (i) - (ii) of this section, as the case may be (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

Committee's Recommendation:

Clause 38: Filing of tariffs, rates and/or charges.

- (1) From the commencement of this Bill, every regulated service provider shall:

- (a) file its tariffs or range of tariffs with the Agency; and
 - (b) not impose any tariff, rate, levy, and/or charge for the provision of any regulated service unless the tariff, rate, levy, or charge conforms with the guidelines issued by the Agency under this Bill.
- (2) Every regulated service provider shall:
 - (a) charge fees for services rendered in accordance with the approved guidelines;
 - (b) not depart from the maximum tariffs provided under the guidelines without approval of the Agency; and
 - (c) publish its tariff, fees, and rates for services, rendered together with modifications thereof (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

Committee's Recommendation:

Clause 39: Penalty for breach of Guidelines or Regulations.

The Agency may prescribe and enforce appropriate penalties including the payment of fines, fees by, suspension, revocation, cancellation and/or withdrawal of licence, of registration, certificate or permit of any regulated service provider who violates any regulations, guidelines or notices issued under this Bill for the provision of any regulated service (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

PART VII — REGISTRATIONS

Committee's Recommendation:

Clause 40: Guidelines and Regulations for Registration.

- (1) From the commencement of this Bill —
 - (a) the Agency shall have the powers to issue Regulations, Guidelines and general policies for the registration, suspension, cancellation or revocation of and de-registration of regulated service providers specifying, among other things, the terms and conditions for the issuance, re-issuance, suspension, cancellation or revocation of registration and de-registration of regulated service providers and cause same to be published;
 - (b) a regulated service provider shall not provide regulated services for which the Agency has prescribed registration unless the regulated service provider is granted such approval by the Agency; and
 - (c) notwithstanding the provisions of paragraph (a) of this subsection, the Agency shall have the powers to issue Regulations, Guidelines and general policies for the registration and de-registration of regulated service users specifying, among other things, the terms and conditions for the issuance, re-issuance, suspension, cancellation, de-registration or revocation of registration,

certificates, and regulated service users and cause same to be published.

- (2) The certificate granted under this section relates only to matters concerning the economic regulatory functions of the Agency and may be issued to a person or class of persons providing such services.
- (3) Any person who contravenes the provisions of this section commits an offence and is liable on conviction to a:
 - (a) fine not exceeding ten times the initial fee for the relevant registration; or
 - (b) prohibition from providing such services for a period as the Agency may determine.
- (4) The Agency shall publish for the general public, the services that require registration.
- (5) The provisions of this Part shall apply to existing regulated service providers in the regulated sector in Nigeria (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

Committee's Recommendation:

Clause 41: Application for Registration.

- (1) Any application for registration shall be lodged in the manner as may be prescribed by the Agency.
- (2) The Agency may require an applicant for registration to submit to the Agency, within a specified period and at the applicant's expense, such further information as may be necessary to consider the application.
- (3) The Agency, within a period not exceeding 12 weeks after receiving an application lodged in the prescribed manner:
 - (a) shall, upon the applicant satisfying stipulated requirements, issue the registration certificate, in such form and for such period, and may contain such conditions as the agency may determine; or
 - (b) may refuse to issue a registration certificate and give written reasons for such refusal.
- (4) Where the failure to issue the registration certificate is based on a delay occasioned by any factor, the Agency shall give reasons for the delay and issue directives as may be relevant for the issuance of such registration certificate.
- (5) In performing its functions under this section, the Agency shall at all times be guided by the principles of, and consideration for:
 - (a) relevant sector legislation;
 - (b) transparency, fairness and non-discrimination;

- (c) efficient use and management of facilities;
 - (d) development of indigenous capacity in ownership and provision of regulated services;
 - (e) the need to promote competition, fair practice, and investment in the regulated sector; and
 - (f) such other principles and considerations as the Agency may consider necessary.
- (6) The Agency may, before the issuance of a registration certificate under this Part, where it deems it relevant, refer the application to, and obtain written recommendation thereof from any relevant government agency.
- (7) The Agency shall ascertain that in making the recommendation under subsection (6), the guidelines and criteria for evaluation and selection issued by the relevant government agency have been strictly complied with.
- (8) A service provider licensed by relevant government agency or authority in the regulated sector shall register with the Agency, before the commencement of operations (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

PART VIII — OFFENCES AND PENALTIES

Committee's Recommendation:

Clause 42: Offences by Persons.

A person who contravenes or fails to comply with any provision of this Bill, a subsidiary legislation or any regulation, guideline or rules made under this Bill or subsidiary legislation, commits an offence (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

Question that Clause 42 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 43: Offences by persons or corporate bodies.

- (1) A person or corporate body who commits an offence under this Bill, its subsidiary legislation or any regulation, guideline or rules made under this Bill may be charged jointly or severally in the same proceedings with the company.
- (2) Where the company is found guilty of the offence, the person is deemed to be guilty of that offence unless, having regard to the nature of his functions in that capacity and to all circumstances, he can prove that:
- (i) the offence was committed without his knowledge, consent or connivance; and
 - (ii) he had taken all reasonable precautions and exercised due diligence.
- (3) A person who at the time of the commission of the offence was a director, chief executive officer, or other officer of the company, or was purporting

to act in any such capacity, or was in any manner or to any extent responsible for the management of any of the affairs of the Agency or was assisting in such act, may be charged jointly or severally in the same proceedings with the company (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

Question that Clause 43 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 44: General offences and penalties.

- (1) A person who contravenes any provision of this Bill, a subsidiary legislation or any regulation, guideline or rules made under this Bill or subsidiary legislation, commits an offence and:
 - (a) as a first offender, upon conviction, is liable to a fine not less than ₦500,000.00 or imprisonment for a term of at least one year or both; and
 - (b) for subsequent conviction, is liable to a fine not less than ₦1,500,000.00 or imprisonment for a term of at least three years or both.
- (2) The Agency may by regulations make further provisions for offences and penalties and for the adjustment of fines, fees, and penalties imposed under this Bill, a subsidiary legislation or any regulation, guideline or rules made under this Bill or subsidiary legislation and it becomes effective upon publication in the Federal Government Gazette (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

Question that Clause 44 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 45: Power to Impose Administrative Penalties.

Notwithstanding anything contained in this Bill or any other enactment, the Agency may impose such other penalties as deemed necessary, where no penalty is provided for contravention of the provisions of this Bill, such other penalties include —

- (i) the payment of fees or fines. etc.; and
- (ii) sanctions including warning, suspension, sealing of premises, placement on a sanction list, blacklisting, withdrawal, revocation, cancellation of registration, etc. (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

Question that Clause 45 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 46: Disclosure of information is an offence.

- (1) No person shall disclose any confidential or sensitive information obtained during the exercise of a power or the performance of a function under, or in connection with, this Bill or any relevant legislation.
- (2) No person shall use an information to obtain directly or indirectly any pecuniary or other advantage for himself or any other person.

- (3) A person who, without lawful excuse contravenes subsections (1) and/or (2), commits an offence and —
 - (a) as a first offender, upon conviction, liable to a fine not less than ₦500,000.00 or imprisonment for a term of at least one year or both; and
 - (b) for subsequent conviction, liable to a fine not less than ₦1,500,000.00 or imprisonment for a term of at least three years or both.
- (4) A person may disclose or use such information where the:
 - (a) disclosure or use is made in the exercise of a power or the performance of a function under, or in connection with this Bill or any relevant legislation;
 - (b) person has the consent of the person who supplied the information;
 - (c) disclosure or use is made in legal proceedings at the direction of the court; or information is in the public domain at the time it is disclosed or used.
- (5) The provisions of subsection (4) shall not interfere with any right which another person may have with regard to the disclosure or use of the information.
- (6) The Agency may apply to the court for an injunction or declaration or both in respect of an order or direction served by the Agency under this Bill and its subsidiary legislation (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

Question that Clause 46 stands part of the Bill — Agreed to.

PART IX — MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

Committee's Recommendation:

Clause 47: Powers of the Minister.

- (1) The Minister may give the Agency directions of a general character or relating to particular matters with regards to the exercise by the Agency, of its functions and powers, and it shall be the duty of the Agency to comply with the directions.
- (2) The Minister may make regulations generally for carrying into effect the provisions of this Bill.
- (3) In the exercise of his powers under this Bill, the Minister shall at all times ensure that the independence of the Agency with regard to the performance of the functions of the Agency under this Bill is protected and not compromised in any manner.
- (4) The guidelines and regulations made from the commencement of this Bill in exercise of the powers conferred by this Bill or any other enactment shall come into effect upon approval by the Minister (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

Question that Clause 47 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 48: Limitation of suit against the Agency.

- (1) A civil action shall not be commenced against the Agency or its authorised officers before the expiration of a period of thirty days after written notice of intention to commence the suit has been served on the Agency by the intending plaintiff and the notice shall clearly and explicitly state the —
 - (a) cause of action;
 - (b) particulars of the claim;
 - (c) name and place of abode of the intending plaintiff; and
 - (d) relief sought.
- (2) The notice referred to in subsection (1) of this section and any summons, or other documents required or authorised to be served on the Agency under this Bill or any other law, may be served by delivering it to the office of the Agency (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

Question that Clause 48 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 49: Indemnity of Officers of the Agency.

A member of the Board, Director-General, officer or employee of the Agency shall be indemnified out of the assets of the Agency against any proceedings brought against him in their respective official capacities, where the act complained of is not ultra vires his powers (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

Question that Clause 49 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 50: Restriction on execution against property of the Agency.

In any action or suit against the Agency, no execution shall be levied or attachment processes commenced against the Agency, unless not less than three months' notice of the intention to execute or to attach has been given to the Agency (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

Question that Clause 50 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 51: Request for information or documents.

- (1) The Agency may, by notice in writing served on any person, require that person to —
 - (a) provide the Agency, in writing signed by that person or, in the case of a corporate body, by a director or competent officer or agent of the corporate body, within the time and in the manner specified in the notice, any information or class of information as may be specified in the notice;

- (b) produce to the Agency or a person specified in the notice, acting on its behalf in accordance with the notice, any document or class of documents specified in the notice; and
 - (c) appear before the Agency at a time and place specified in the notice to give evidence, either orally or in writing and produce any document or class of documents specified in the notice.
- (2) The Agency shall obtain such information or document as it considers necessary to assist in its investigations or inquiries and where it considers appropriate, shall examine and verify the authenticity or otherwise of all information or documents submitted to it.
 - (3) Where the information or document provided in subsection (1) is not furnished to the satisfaction of the Agency, the Agency may make determination on the basis of information or documents available to it (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

Committee's Recommendation:

Clause 52: Summons to attend and give evidence, provide information or document.

- (1) A summons to attend and give evidence, provide information, or produce documents before the Agency issued under the hand of an authorised officer of the Agency shall be served on the person concerned.
- (2) Hearings of the Agency shall take place in public, but the Agency may, where circumstances warrant, particularly to preserve the business secrets of the person concerned, conduct hearing in camera (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

Committee's Recommendation:

Clause 53: Refusal or failure to honour Summons.

- (1) A person who, without sufficient cause, refuses, fails, neglects, or omits to —
 - (a) appear before the Agency in compliance with a summons; or
 - (b) give evidence, provide information or produce a document which the person is required by such summons to produce,
 commits an offence and is liable on conviction, in the case of —
 - (i) an individual, to a fine not less than ₦500,000.00 or imprisonment for a term of at least one year or both; and
 - (ii) corporate body, to a fine not less than ₦2,000,000.00.
- (2) The Agency may in addition to conviction, suspend, revoke or cancel the licence, certificate or permit of the person.
- (3) A person who wilfully obstructs or interrupts any proceedings of the Agency, commits an offence and is liable on conviction to imprisonment for

a term not exceeding three years or a fine not less than ₦2,000,000.00 or both the fine and imprisonment (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

Committee's Recommendation:

Clause 54: Procedure for handling of evidence by the Agency.

- (1) For the purpose of carrying out its functions and powers under this Bill, the Agency may —
 - (a) receive in evidence any statement, document, information or matter that may, in its opinion, assist it in dealing effectively with the matter before it, whether or not such evidence is otherwise admissible in a court of law;
 - (b) take evidence on oath and for that purpose, a member of the Agency, any employee or agent of the Agency duly authorised for that purpose may administer an oath;
 - (c) require the evidence to be furnished to be given on oath and for that purpose, a member of the Agency or any officer of the Agency duly authorised for that purpose may administer an oath;
 - (d) permit a person appearing as a witness before it to give evidence by tendering a written statement, and where the Agency deems fit, verify the written statement on oath;
 - (e) hear orally any person who, in its opinion, will be affected by an investigation or inquiry being carried out by it;
 - (f) where necessary, order any sum to be paid to that witness on account of his travelling expenses, where such person has appeared as a witness before the Agency pursuant to a notice issued in that behalf or has given evidence before the Agency, whether pursuant to a notice or not.
- (2) The Agency shall ensure that business secrets of all parties concerned in an investigation or inquiry conducted by it are adequately protected at all stages of the investigation or inquiry (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

Committee's Recommendation:

Clause 55: Prohibition of disclosure of information or documents.

- (1) Subject to the provisions of subsection (2) the Agency may by order prohibit the publication or communication of any information, document or evidence which is furnished, given or tendered to, or obtained by the Agency in connection with its operations.
- (2) An order made by the Agency under subsection (1) may be expressed to have effect for such period as is specified in the order, which shall not be less than two years, but the order shall not have effect where that order was made in connection with an investigation or inquiry conducted by the Agency, after the conclusion of that investigation or inquiry.

- (3) A person who, contrary to an order made by the Agency under subsection (1), publishes or communicates any information, document or evidence shall be liable to a fine not exceeding ₦1,000,000.00 in the case of an individual and ₦50,000,000.00 in the case of a body corporate (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

Committee's Recommendation:

Clause 56: Destruction of Records.

A person who willfully destroys any record which may be required by the Agency for the performance of any of its functions under this Bill, with intent to mislead the Agency or to prevent or impede any investigation or inquiry under this Bill, commits an offence and is liable on conviction to a term of imprisonment for three years or a fine not less than ₦5,000,000.00 or both the fine and imprisonment (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

Committee's Recommendation:

Clause 57: Evidence of Compliance.

A person who is subject to this Bill, shall produce to the Agency, evidence of compliance with the provisions of this Bill, Regulations or Guidelines made under it, when required in writing to do so (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

PART X — MONITORING AND ENFORCEMENT POWERS OF THE AGENCY

Committee's Recommendation:

Clause 58: Power to Monitor and Report.

- (1) The Agency shall from time to time monitor and report to the Minister on all matters falling under its mandate relating to —
- (a) the administration, implementation, and compliance with the provisions of this Bill or subsidiary legislation, regulations, and guidelines made under this Bill;
 - (b) the standards and quality of services rendered in the regulated sector;
 - (c) tariff, rates, and charges applied by the regulated service providers in the regulated sector;
 - (d) cargo clearance procedures and processes; and
 - (e) any other relevant matter relating to service delivery in the sector.
- (2) For the purposes of monitoring and reporting on the matters enumerated in subsection (1) of this section, the Agency's officials or authorised officers shall at all times have access to enter and inspect the premises of regulated services providers (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

Committee's Recommendation:

Clause 59: Power to enter premises.

- (1) The Agency may in writing, direct an authorised officer or agent, to exercise on its behalf, the powers of —
 - (a) monitoring and enforcement vested in the Agency under this Bill; and
 - (b) investigate the activities of regulated service providers and users with regards to compliance with the provisions of this Bill, Regulations, and Guidelines made pursuant to the Bill.
- (2) The Agency may, for the purpose of ascertaining whether any person has engaged, is engaging or is likely to engage in conduct constituting or likely to constitute a contravention of this Bill, require its authorised officer or agent to —
 - (a) enter and search any premises; and
 - (b) inspect and remove from the premises any article, document, or extract in the possession or under the control of any person.
- (3) The Agency shall, if there are grounds to believe that a violation, civil or criminal, of the provisions of this Bill or regulations made under this Bill, was, is being or will be committed, take any interim measure, including directing an authorised officer or agent to exercise powers contained in subsection (2).
- (4) The occupier or person in charge of any premises entered pursuant to this section shall provide the authorised officer or agent with all reasonable assistance for the effective discharge of the officer's or agent's duty under this section.
- (5) The authorised officer or agent may —
 - (a) request any law enforcement officer or public official to provide him with assistance in carrying out the exercise;
 - (b) use such assistance or force for gaining entry into, and for breaking open any article or thing as is reasonable in the circumstances;
 - (c) search for and remove documents or any article or thing that may be relevant;
 - (d) where necessary, make copies of documents or extracts from documents, articles or things that the authorised officer believes on reasonable grounds may be relevant; and
 - (e) where necessary, require a person to produce, reproduce or assist any person to produce or reproduce, in usable form, information recorded or stored in a document or retrieval system.
- (6) A law enforcement officer or other public official assisting the authorised

officer or agent shall have and exercise the powers provided in subsection (5) (b), (c), (d), and (e) of this section.

- (7) A person who obstructs or impedes an authorised officer or agent in the performance of his duties under this section commits an offence and shall be liable on conviction to imprisonment for a term not exceeding two years or to a fine not exceeding ₦5,000,000 or to both fine and imprisonment (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

Committee's Recommendation:

Clause 60: Duties of an Authorised Officer or Agent.

- (1) In the exercise of powers under section 59, an authorised officer or agent of the Agency —
- (a) must be in possession of letter of authorisation duly issued by the Agency at the time of carrying out the directives under section 59;
 - (b) shall on demand produce to the person against whom he is acting, the authority issued to him by the Agency and a valid identification document;
 - (c) may at any reasonable time and without prior notice, enter the premises of any affected regulated service provider to —
 - (i) inspect and make copies of extracts from books, records, documents or other information storage systems, and
 - (ii) demand the production of and inspect the relevant licence, permit, certification or authority; and
 - (d) shall obtain a warrant prior to the entry into the premises of any affected person who is not a regulated service provider under the meaning of this Bill.
- (3) In the case of a search carried out at a time when the owner or occupier was not present, an authorised officer or agent shall, before leaving the premises, leave in a conspicuous place at the premises searched, a written notice stating —
- (a) the date and time when the search was executed; and
 - (b) the name of the person who executed the search and the names of the person or persons who rendered assistance in the course of executing the search.
- (4) Upon completion of the search authorised by the Agency, where a document, article, or thing was removed from the place being searched, the authorised officer or agent shall leave a schedule containing a list of articles, documents, extracts, or things removed from the premises during the search.
- (5) Where it is not practicable to prepare a schedule before completing the search, or if the owner or occupier of the place being searched consents, the authorised officer or agent —

- (a) may, instead of leaving a schedule, leave a notice stating that documents, articles, or things have been removed during the search and that, within seven days of the search, a schedule shall be delivered, left, or sent to the owner or occupier stating the documents, articles or things that have been removed; and
 - (b) shall, within seven days of the search —
 - (i) deliver a schedule to the owner or occupier,
 - (ii) leave a schedule at the place searched, or
 - (iii) send a schedule by registered mail to the owner or occupier of the place searched.
- (6) Every schedule prepared under subsection (3), (4) or (5) shall state —
 - (a) the documents, articles, and things that were removed;
 - (b) the location from which they were removed; and
 - (c) the location where they are being held.
- (7) The Agency, or any person authorised by the Agency for that purpose, may inspect and make copies of any document or extract from such document, obtained pursuant to the directives (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

Committee's Recommendation:

Clause 61: Duties of Owner or Occupier.

The owner, occupier or person in charge of the place that an authorised officer or agent, under a directive, enters for the purpose of a search shall provide the authorised officer or agent with all reasonable assistance and cooperation in executing the directive (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

PART XI — COMPLAINTS AND INVESTIGATION

Committee's Recommendation:

Clause 62: Conduct of Investigation upon a written Complaint.

- (1) The Agency may —
 - (a) where a complaint has been made to the Agency under this Bill, make preliminary inquiries of the complaints for the purpose of deciding whether to investigate the matter or not.
 - (b) investigate any matter pertaining to the administration of this Bill, if the Agency has any ground to believe that an infringement of this Bill is, has been or will be committed.
 - (c) conduct an investigation on a matter referred to it upon a written

complaint by a person and the complaint shall specify against whom the complaint is made.

- (2) Where the Agency decides not to investigate a matter to which a complaint relates, or to stop the investigation of a matter after its commencement, it shall within 7 days from the date of the decision and in such manner as it deems fit, inform the complainant and the respondent of the decision and the reasons for the decision (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

Committee's Recommendation:

Clause 63: Conduct of Investigation.

- (1) Prior to the commencement of the investigation of a matter to which the complaint relates, the Agency shall inform the respondent that the matter is to be investigated.
- (2) An investigation under this Part shall be conducted as the Agency considers appropriate and the Agency may, for the purposes of an investigation, obtain information from any person as it deems fit.
- (3) A complainant or respondent may be given an opportunity to appear before the Agency in connection with an investigation.
- (4) The Agency shall not, as a result of an investigation, make a finding that is adverse to a complainant or respondent unless it has given the parties involved an opportunity to make written submissions in relation to the matter to be investigated within a period of 21 days.
- (5) The Agency shall consider the written submissions made by the complainant or the respondent before making a decision.
- (6) On the conclusion of an investigation, the Agency may prepare and publish a report which shall cover —
 - (a) the conduct of the investigation;
 - (b) any findings that the Agency has made as a result of the investigation;
 - (c) the evidence and other material on which those findings were based; and
 - (d) such other matters relating to or arising out of the investigation as the Agency may deem fit in the circumstance (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

Committee's Recommendation:

Clause 64: Discontinuance of Inquiry or Investigation.

- (1) Where the Agency, at any stage of an investigation or inquiry under this Part is of the opinion that the matter being investigated or subject to inquiry or investigation does not justify further investigation or inquiry, the Agency may discontinue the investigation or inquiry.

- (2) Where the Agency discontinues an investigation or inquiry, it shall, within 14 days thereafter, give written notice to the parties concerned in the investigation or inquiry, stating the reasons for discontinuing the investigation or inquiry (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

Committee's Recommendation:

Clause 65: Appeals.

Appeals from any decision of the Agency shall lie in the case of -

- (a) competition and consumer protection matters, to the Competition and Consumer Tribunal established under section 39 of the Federal Competition and Consumer Protection Act, and
- (b) other regulatory matters and decisions of the Agency in the exercise of its functions and powers under this Bill or subsidiary legislation, to the Federal High Court (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

PART XII — REPEALS, SAVINGS AND TRANSITIONAL PROVISIONS

Committee's Recommendation:

Clause 66: Repeal and Savings Provisions.

- (1) The Nigerian Shippers' Council Act (Cap. N133, LFN, 2004) is hereby repealed.
- (2) Without prejudice to section 6 of the Interpretation Act, the repeal of the Nigerian Shippers' Council Act (Cap. N133, LFN, 2004) shall not affect anything done pursuant to the repealed Act.
- (3) Every regulation, order, requirement, contract, certificate, notice, direction, decision, authorisation, consent, application, ongoing court matter or action, request or thing made, issued, given, or done under the repealed Act shall, if in force at the commencement of this Bill, continue to be in force and have effect as if made, issued, given or done under the corresponding provisions of this Bill.
- (4) Every reference to the Nigerian Shippers' Council, Minister, Council, Executive Secretary/CEO or any person under their control, or a document issued in the name of the Nigerian Shippers' Council, Minister, Council, Council Chairman, Executive Secretary or employee of the Nigerian Shippers' Council established under the repealed Act, shall be read, unless the context otherwise requires, as a reference to the Agency, Minister, Board, Board Chairman, Member, Director General/CEO or an employee of the Agency established under this Bill, respectively, as the case may be.
- (5) The statutory functions, mandates, powers, rights, interests, obligations, and liabilities of the Nigerian Shippers' Council, existing before the commencement of this Bill, under any contract or instrument or in law or equity shall, by virtue of this Bill, be deemed to have been assigned to and vested in the Agency established under section 4 of this Bill and shall be of

the same force and effect against or in favor of the Agency established by this Bill and shall be enforceable as fully and effectively as if, instead of the Nigerian Shippers' Council, existing before the commencement of this Bill, the Agency established by this Bill has been named in it or had been party to it (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

Committee's Recommendation:

Clause 67: Transitional Provisions.

- (1) Subject to the provisions of this Bill, the Executive Secretary/CEO of the Nigerian Shippers' Council established under the repealed Act is transferred to the Agency established under this Bill on the same terms, conditions, rights, and privileges, as Director-General/CEO of the Agency.
- (2) Any person who immediately before the commencement of this Bill was a staff of the defunct Nigerian Shippers' Council under the repealed Act shall continue in office and be deemed to have been appointed under this Bill and shall continue to enjoy pension benefits under the Pension Reform Act.
- (3) The transferred employees of the defunct Nigerian Shippers' Council shall be regarded as having accrued an entitlement to benefits in connection with their employment with the Agency that is equivalent to the entitlement that the person had accrued as an employee of the defunct Nigerian Shippers' Council, immediately before the commencement date.
- (4) Upon the commencement of this Bill, employees of the defunct Nigerian Shippers' Council shall be absorbed by the Agency for the continuation of their service career on the same rank and privileges as they were before the absorption.
- (5) No transferred employee of the defunct Nigerian Shippers' Council shall be made to enjoy rights and privileges that are less than the ones enjoyed as an employee of the Nigerian Shippers Council.
- (6) Any proceedings or cause of action pending or existing immediately before the commencement of this Bill by or against the Nigerian Shippers' Council under the repealed Act in respect of any right, interest, obligation, or liability, may be continued, commenced or disposed of, as the case may be, and any determination of a court of law or tribunal may be enforced by or against the Agency established by this Bill to the same extent that such proceedings, cause of action or determination might have been continued, commenced, disposed or enforced by or against the Council established under the repealed Act.
- (7) Any disciplinary proceedings pending or existing against any employee of the defunct Nigerian Shippers' Council shall be continued and completed by the Agency established under this Bill.
- (8) All rights, assets, property, funds, resources, other movable or immovable assets and property and liabilities, which immediately before the commencement of this Bill, were vested in the defunct Nigerian Shippers' Council under the repealed Act, shall by virtue of this Bill and without further assurance be vested in the Agency established under section 4 of this Bill (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

Committee's Recommendation:

Clause 68: Interpretation.

In this Bill, unless the context otherwise requires —

"Agency" means the Nigeria Port Economic Regulatory Agency (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

"Appeal" means an Appeal under section 65 of this Bill (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

"Authorities" or "bodies" means relevant government agencies (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

"Blacklisting" means the indefinite stoppage of a service provided by a regulated service provider for the violation of any provisions of this Bill, its subsidiary legislation or guidelines (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

"Board" means the Governing Board of the Agency established under section 5 of this Bill (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

"Cargo" includes any substance or article or any container or other item used to contain, transport or convey materials or goods from one place to another (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

"Chairman" means a Member who is appointed to chair the Board of the Agency and includes any person presiding at the meeting of the Board (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

"Port Concession" means an arrangement between a government agency and a third party to provide regulated service or other related services in the regulated sector in Nigeria (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

Question that the meaning of the words “Port Concession” be as defined in the interpretation to this Bill — Agreed to.

"Port concessionaire" means a holder of a port concession or grant approved by a government agency to provide regulated service or other related services under a valid port concession (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

Question that the meaning of the words “Port concessionaire” be as defined in the interpretation to this Bill — Agreed to.

"Consolidated Revenue Fund" means the Fund established under section 80 of the Constitution of the Federal Republic of Nigeria, 1999 (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

Question that the meaning of the words “Consolidated Revenue Fund” be as defined in the interpretation to this Bill — Agreed to.

"Consumer" or "User" means a shipper, importer, exporter, consignee, consignor, or any person who uses or pays for a regulated service in the regulated sector in Nigeria and includes freight forwarding and clearing agent (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

Question that the meaning of the words “Consumer” and “User” be as defined in the interpretation to this Bill — Agreed to.

"Court" means the Federal High Court of Nigeria (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

Question that the meaning of the word “Court” be as defined in the interpretation to this Bill — Agreed to.

"Determination" includes directions, orders, decisions, or requirements made by the Agency under this Bill (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

Question that the meaning of the word “Determination” be as defined in the interpretation to this Bill — Agreed to.

"Directives" means a directive issued by the Agency under this Bill (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

Question that the meaning of the word “Directives” be as defined in the interpretation to this Bill — Agreed to.

"Deregistration" means removal of the name of a Service Provider from the Register (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

Question that the meaning of the word “Deregistration” be as defined in the interpretation to this Bill — Agreed to.

"Economic Regulation" means the exercise by the Government through the Agency, both directly or indirectly, of control and influence over the economic activities of public or private regulated service providers and users, and seeks to protect the interests of users of regulated services (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

Question that the meaning of the words “Economic Regulation” be as defined in the interpretation to this Bill — Agreed to.

"Instrument" includes a convention, treaty, protocol, Agreement, directive, determination or declaration (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

Question that the meaning of the word “Instrument” be as defined in the interpretation to this Bill — Agreed to.

"Registration" means a document of authorization from the Agency granting approval to provide regulated service or related services in the regulated sector in Nigeria (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

Question that the meaning of the word “Registration” be as defined in the interpretation to this Bill — Agreed to.

"Member" means any person appointed under section 6 of this Bill (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

Question that the meaning of the word “Member” be as defined in the interpretation to this Bill — Agreed to.

"Minister" means the Federal Minister for the time being charged with the responsibility for shipping and port matters respectively (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

"Ministry" means the Federal Ministry for the time being charged with the responsibility for shipping and port matters respectively (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

"Owner" means the legal or beneficial owner (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

Question that the meaning of the word “Owner” be as defined in the interpretation to this Bill — Agreed to.

"Person" includes a natural or corporate body or partnership and where an individual is required to represent a corporate body or partnership in any circumstance pursuant to this B or its subsidiary legislation it shall be sufficient if in the case of a:

- (a) corporate body, it is represented by its competent officer, and
- (b) partnership, it is represented by a partner in the partnership or a competent employee of the partnership (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

Question that the meaning of the word “Person” be as defined in the interpretation to this Bill — Agreed to.

"Premises" includes a house or building, together with its land and outbuildings, occupied by an operator or service provider, agency, or other person under this Bill or considered in an official context (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

"Prescribe" means a rule, direction, or order laid down, approved, or given by this Bill, sector legislation, subsidiary legislation or regulations, or any relevant legislation (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

"Prescribed Services" means a person, body or agency which is —

- (a) prescribed by this Bill as such; or
- (b) providing prescribed services in the regulated sector in Nigeria within the meaning of section 38 of this Bill and includes:
 - (i) Nigerian Railway Corporation,
 - (ii) Nigerian Ports Authority,
 - (iii) National Inland Waterways Authority, and
 - (iv) Other Agencies providing regulated services of any nature in the regulated sector in Nigeria (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

"President" means the President of the Federal Republic of Nigeria (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

"Publication of any Information by the Agency" under this Bill or its subsidiary legislation, except otherwise specified in any particular section of this Bill, is sufficiently effected if it is posted on the Agency's website and published in at least one widely circulating national newspaper (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

Question that the meaning of the words "Publication of any Information by the Agency" be as defined in the interpretation to this Bill — Agreed to.

"Publication of any Information by a licensee" under this Bill or its subsidiary legislation, except otherwise specified in any particular section of this Bill, is sufficiently effected if it is:

- (a) officially sent to the Agency,

- (b) made publicly and readily available to any member of the public at the licensee's offices that deal with or relate in any way with its consumers, and
- (c) the Agency so directs, published in at least one national newspaper (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

Question that the meaning of the words "Publication of any Information by a licensee" be as defined in the interpretation to this Bill — Agreed to.

"Port" means any place in Nigeria designated as a port of origin and destination and having facilities for handling i imports and exports (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

"Register" means any one of the registers established or maintained by the Agency for the purposes of this Bill (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

"Regulations" means regulations made pursuant to this Bill (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

"Regulated Sector" means the ports, terminals, off-docks, jetties, and offshore platforms used for the reception, handling, and provision of cargo services for imports and exports and includes Regulated Services (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

"Regulated Service" means any shipping or port service provided, supplied, or offered for supply in the regulated sector in Nigeria and includes vessel reception, carriage, storage and handling of cargo, freight forwarding and clearance services, stevedoring, haulage, cargo consolidation and brokerage, off-dock terminal operations, inland dry port services, seaport terminal or jetty operations, logistics services and any other service provided in a port, and includes any service offered by any public or private body which is declared to be regulated service under this Bill (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

"Regulated Service Provider" or "Service Provider" means any person providing regulated services in the regulated sector (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

"Tariffs, "Charges" or "Rates" means payments made to providers of Regulated Services in the Regulated Sector in consideration of the provision of regulated services to users and include freight, rates, port fees, station fees, terminal dues, ports and harbours dues and charges, goods, cargo and pilotage dues, and other fees and charges levied by any regulated service provider in the regulated sector; and (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

"Trade Facilitation" means the removal of obstacles to the smooth handling of imports and exports across borders through simplification, standardization, harmonization automation and digitalization of trade and transport processes, procedures and associated information flows required in the payment for goods and services, and their carriage or transportation from one point to another and includes cross-border trade (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

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

Committee's Recommendation:

Clause 69: Short Title.

This Bill may be cited as the Nigerian Shippers' Council Act (Repeal and Enactment) Bill, 2024 (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

SCHEDULE

Sections 17, 25 (5)

CONFLICT OF INTEREST

1. Subject to the provisions of this Schedule, no member or staff of the Agency shall have a direct or indirect financial interest or investment in any part of the regulated sector or be engaged in any activity whether for remuneration or otherwise, for the benefit of any party involved in any business related to the regulated sector in Nigeria throughout the tenure of his office or employment with the Agency unless such an interest is formally disclosed to the President through the Minister and the President is satisfied that the interest or activity is passive and does not interfere with the person's impartial discharge of his duties.
2. A person who holds the office of a member, shall, for a period of two years after he ceases to be a member for any reason, not acquire, hold, or maintain, directly or indirectly, any interest, office, employment, or consultancy arrangements either for remuneration or otherwise, connected with any part of the regulated sector in Nigeria or engage in any activity (whether for remuneration or otherwise) for the benefit of any party involved in any business related to the regulated sector in Nigeria, and if such a person acquires any such interest involuntarily or by way of succession or testamentary disposition, he shall divest himself from such interest within a period of three months of such interest being acquired.
3. Subject to paragraph 4, each member or staff of the Agency shall, on an annual basis, present a written declaration affirming the non-existence of any such interest as is specified in

paragraph 1 and shall pledge to disclose and inform the Agency of any such relationship or interest that arises or is likely to arise during his tenure or employment with the Agency.

4. All appointed members and staff of the Agency, after the commencement of this Bill, are entitled to a maximum of six months from their respective dates of appointments within which to divest themselves of their direct or indirect financial interests or investments, if any, in any part of the regulated sector in Nigeria.
5. Each member or staff of the Agency shall declare, on appointment or at the commencement of employment and annually thereafter, for as long as he serves the Agency, any interest or investment that he knowingly has or knows any member of his immediate family to have, in any aspect of regulated sector.
6. A member, staff or employee of the Agency is considered to have a conflict of interest for the purposes of this Bill if he has or acquires any pecuniary or other interest that conflicts with the proper discharge or performance by that person of his duties or functions as a member, staff or employee of the Agency.
7. A member, staff or employee of the Agency is deemed to have breached the conflict of interest rules of the Agency if he:
 - (a) fails, without reasonable cause, to make declaration of his interests as required, or
 - (b) knowingly makes a declaration that is false or misleading in material particulars thereby affecting the decision of the Agency in any of the circumstances under this paragraph, and that person commits an offence under this Bill, the effect of which may include the termination of his appointment or employment.
8. Where a member or staff of the Agency contravenes the provisions of paragraphs 1, 2, and 3 of this Schedule, or gives false information under paragraph 5 of this Schedule, he commits an offence and is liable, on conviction, to a fine of at least ₦1,000,000.00 or imprisonment for a term not exceeding two years or both.
9. Subject to paragraph 8 of this Schedule, the Agency may waive the application of the prohibitions specified in paragraphs 1 and 2 of this Schedule to any member, staff, or employee of the Agency if the Agency, upon receiving such declaration from such member, staff or employee determines that the financial interest of the relevant person is not of a material nature or is minimal.
10. The Agency, in determining whether or not the interest of a member, staff, or employee of the Agency is minimal or not of a material nature, shall consider the:
 - (a) revenue, investments, profits, and managerial efforts of the relevant company or other entity in regard to its transport activities compared with other aspects of the company's or such entity's businesses;
 - (b) extent to which the Agency regulates and oversees the activity of such company or entity;
 - (c) degree to which the economic interests of such company or other entity may be affected by any action of the Agency; and
 - (d) perceptions held or likely to be held by the public regarding the relevant person's financial interest or investment in that company or other entity.

11. The Agency may at any time review and reverse its determination under paragraph 7 of this Schedule and direct the application of the prohibitions contained in this Schedule to the affected member or the transferred staff or employee of the Agency and the Agency shall not be under any obligation to disclose the reasons or basis for its review to the affected member, staff or employee.
12. In any case in which the Agency exercises the waiver authority or the review as specified in paragraphs 10 and 11 of this Schedule, the Agency shall publish the details and such publication shall include:
 - (a) an information regarding the identity of the person who has been granted the waiver or whose waiver grant has been reviewed;
 - (b) the position held by such person; and
 - (c) the nature of the financial interests which are the subject of the waiver or review.
13. For the purposes of this Schedule:
 - (a) "company" includes partnerships and undertakings; and
 - (b) "immediate family" means a person's spouse, a partner living with that person as if they were married to each other and children who are under the age of 18 (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

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

Explanatory Memorandum:

This Bill seeks to repeal the Nigeria Shippers' Council Act (Cap.N133, LFN, 2004) and enact the Nigeria Shipping and Port Economic Regulatory Agency Bill to provide for effective economic regulation of the shipping and port sector, establish a regime for the control of tariffs, rates and charges, provide for the protection of the interest of providers and users of regulated services (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal Federal Constituency*).

Agreed to.

Long Title:

A Bill for an Act to Repeal the Nigeria Shippers' Council Act (Cap. N133, LFN, 2004) and Enact the Nigeria Port Economic Regulatory Agency Bill to Provide for Economic Regulation of Port Services and Other Related Matters (HB. 1038) (*Hon. Abdussamad Dasuki — Kebbe/Tambuwal 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 Shipping Services and Related Matters on a Bill for an Act to Repeal the Nigeria Shippers' Council Act, Cap. N133, Laws of the Federation of Nigeria, 2004 and Enact Nigeria Shipping and Port Economic Regulatory Agency and for Related Matters (HB.1038) and approved Clauses 1 - 6, approved Clause 7 as amended, approved Clauses 8 - 69, the Schedule, and Long Title of the Bill.

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

29. Adjournment of First Sitting

That the House do adjourn the First Sitting till 4.30 p.m. (Hon. Abubakar Makki Yalleman — Mallam Madori/Kaugama Federal Constituency).

The House adjourned accordingly at 4.00 p.m.

Abbas Tajudeen
Speaker