



THE SENATE

FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 17th July, 2018

1. The Senate met at 10:58 a.m. The Senate President read Prayers.
2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Thursday, 12th July, 2018.
Question was put and the Votes and Proceedings were approved.
3. **Messages from Mr. President:**
The Senate President announced that he had received seven letters from Mr. President, Commander-in-Chief of the Armed Forces of the Federation, which he read as follows:

(a) ***Declining of Assent to the NCPEA (Establishment) Bill, 2018***



**PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA**

8th July, 2018

*Distinguished Senator Abubakar Bukola Saraki
President of the Senate,
Senate Chambers,
National Assembly Complex,
Three Arms Zone,
Abuja.*

Dear Distinguished Senate President,

**PRESIDENTIAL DECISION TO DECLINE ASSENT
TO THE NCPEA (ESTABLISHMENT) BILL, 2018**

Pursuant to Section 58(4) of Constitution of the Federal Republic of Nigeria, 1999 (as amended), I hereby convey to the Senate, my decision, on (21st June, 2018) to decline Presidential Assent to the National Child Protection and Enforcement Agency (NCPEA) Bill of 2018 recently passed by the National Assembly.

The rationale for declining Assent includes:

- a) *All the proposed duties and responsibilities of the proposed agency are currently the statutory responsibilities of the Federal Ministry of Women Affairs; and*
- b) *The creation of the NCPEA may lead to the duplication of mandates of Federal Ministries, Departments and Agencies (MDAs), which would result in the wastage of scarce financial and other resources.*

Please accept, Distinguished Senate President, the assurances of my highest consideration.

*Yours Sincerely,
(Signed)
Muhammadu Buhari*

- (b) *Declining of Assent to the Courts and Tribunals (Standard Scale of Fines) Bill, 2017*



**PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA**

9th July, 2018

*Distinguished Senator Abubakar Bukola Saraki
President of the Senate,
Senate Chambers,
National Assembly Complex,
Three Arms Zone,
Abuja.*

Dear Distinguished Senate President,

**PRESIDENTIAL DECISION TO DECLINE ASSENT TO THE COURTS
AND TRIBUNALS (STANDARD SCALE OF FINES) BILL, 2017**

Pursuant to Section 58(4) of Constitution of the Federal Republic of Nigeria, 1999 (as amended). I hereby convey to the Senate, my decision, on (21st June, 2018) to decline Presidential Assent to The Courts and Tribunals (Standard Scale of Fines) Bill, 2017 recently passed by the National Assembly.

Specifically, you may wish to note that:

- a) *The proposed standard scale of fines appears to be ambiguous, as it does not clearly state the manner by which any given offence will fall under a particular level on the scale;*
- b) *The proposed scale of fines may conflict with existing penalties and fines under extant Nigerian laws, which already impose penalties and fines for various offences. This may result in confusion; and*
- c) *As the Naira's value is dynamic, a fixed scale of fines may impair the ease of future review of Nigerian laws setting out penalties and fines for offences.*

Please accept, Distinguished Senate President, the assurances of my highest consideration.

*Yours Sincerely,
(Signed)
Muhammadu Buhari*

- (c) *Declining of Assent to the Agriculture Credit Guarantee Scheme Fund (Amendment) Bill, 2018*



**PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA**

9th July, 2018

*Distinguished Senator Abubakar Bukola Saraki
President of the Senate,
Senate Chambers,
National Assembly Complex,
Three Arms Zone,
Abuja.*

Dear Distinguished Senate President,

**PRESIDENTIAL DECISION TO DECLINE ASSENT TO
THE AGRICULTURE CREDIT GUARANTEE SCHEME FUND
(AMENDMENT) BILL, 2018**

Pursuant to Section 58(4) of Constitution of the Federal Republic of Nigeria, 1999 (as amended), I hereby convey to the Senate, my decision, on (29th June, 2018) to decline Presidential Assent to the Agriculture Credit Guarantee Scheme Fund (Amendment) Bill, 2018 recently passed by the National Assembly.

This is due to the fact that the increase in the fund size to ₦50 Billion, which is a principal basis of the Agriculture Guarantee Amendment Bill will not be effective as currently drafted because the introductory language in Section 5(1) of the principal Act which sets out the size of the fund retains the original fund size of ₦100 Million Naira.

I am ready to grant Presidential Assent to this Bill once this drafting is rectified.

Please accept, Distinguished Senate President, the assurances of my highest consideration.

*Yours Sincerely,
(Signed)
Muhammadu Buhari*

- (d) *Declining of Assent to the Corporate Manslaughter Bill, 2018:*



**PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA**

9th July, 2018

*Distinguished Senator Abubakar Bukola Saraki
President of the Senate,
Senate Chambers,
National Assembly Complex,
Three Arms Zone,
Abuja.*

Dear Distinguished Senate President,

**PRESIDENTIAL DECISION TO DECLINE ASSENT TO
THE CORPORATE MANSLAUGHTER BILL, 2018**

Pursuant to Section 58(4) of Constitution of the Federal Republic of Nigeria, 1999 (as amended), I hereby convey to the Senate, my decision, on (21st June, 2018) to decline Presidential Assent to the Corporate Manslaughter Bill, 2018.

Specifically, my attention has been drawn to Section 1(5) of this Bill, which imposes a fine upon the mere indictment of a corporate organization of the criminal offence of corporate manslaughter. This provision appears to be inconsistent with Section 36(5) of the 1999 Constitution, which enshrines the presumption of innocence until the alleged offender is convicted by a court or tribunal of competent jurisdiction.

Furthermore, it may be useful for the Bill to cover instances of career-ending and life-threatening injuries (and not just wrongful death). Finally, the Bill should clearly specify the penalties to be imposed for the offences created by the Bill.

Please accept, Distinguished Senate President, the assurances of my highest consideration.

Yours Sincerely,
(Signed)
Muhammadu Buhari

- (e) **Constitution of the Governing Board of the Asset Management Corporation of Nigeria (AMCON):**



**PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA**

11th July, 2018

Distinguished Senator Abubakar Bukola Saraki
President of the Senate,
Senate Chambers,
National Assembly Complex,
Three Arms Zone,
Abuja.

Dear Distinguished Senate President,

**CONSTITUTION OF THE GOVERNING BOARD OF THE ASSET
MANAGEMENT CORPORATION OF NIGERIA (AMCON)**

In compliance with Section 10(1) of the Assets Management Corporation of Nigeria (AMCON) Act, 2010. It is my pleasure to forward for confirmation by the Senate the name of Mr. Banire, Muiz Adeyemi Ph.D, SAN as the Chairman of the Governing Board of the Assets Management Corporation of Nigeria. His CV is attached herewith.

It is my hope that the Distinguished Senate will consider and confirm the nominee in the usual expeditious manner.

Please accept, Distinguished Senate President, the assurances of my highest consideration.

Yours Sincerely,
(Signed)
Muhammadu Buhari

(f) Confirmation of Appointments:



PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA

12th July, 2018

Distinguished Senator Abubakar Bukola Saraki
President of the Senate,
Senate Chambers,
National Assembly Complex,
Three Arms Zone,
Abuja.

Dear Distinguished Senate President,

**REQUEST FOR CONFIRMATION OF APPOINTMENT OF THE CHAIRMAN
AND TWELVE (12) COMMISSIONERS FOR THE FEDERAL CIVIL
SERVICE COMMISSION**

In compliance with the provision of Section 154(1) of Constitution of the Federal Republic of Nigeria 1999 (as amended), I write to request for confirmation by the Senate, the appointment of the following nominees as Chairman and Commissioners in the Federal Civil Service Commission. Their CVs are attached herewith.

S/N	Name	Position	State	New/renewal of Appointment
1.	Dr. Bello Tukur Ingawa, OON, mni	Chairman	Katsina	New Appointment
2.	Moses Musa Ngbale	Commissioner	Adamawa	New Appointment
3.	Waziri Umara Ngurno, mni	Commissioner	Borno	New Appointment
4.	Alh. Bello Mahmoud Babura	Commissioner	Jigawa	New Appointment
5.	Arch. Ahmed M. Sarna (fria)	Commissioner	Kebbi	New Appointment
6.	Princess Iyabode Odulate-Yusuf	Commissioner	Ogun	New Appointment
7.	Shehu Umar Danyaya	Commissioner	Niger	New Appointment
8.	Fatai Newton Adebayo Olapade, MFR, FNSE	Commissioner	Oyo	New Appointment
9.	Chief Ejoh Michael Chukwuemeka	Commissioner	Anambra	New Appointment
10.	Joe Philip Poroma .	Commissioner	Rivers	New Appointment
11.	Alhaji Ibrahim Mohammed	Commissioner	Kaduna	Renewal of Appointment
12.	Prof. Aminu Dio Sheidu	Commissioner	Kogi	Renewal of Appointment
13.	Mr. Simon Etim	Commissioner	Akwa Ibom	Renewal of Appointment

It is my hope that the Distinguished Senate will consider and confirm the nominees in the usual expeditious manner.

Please accept, Distinguished Senate President, the assurances of my highest consideration.

Yours Sincerely,
(Signed)
Muhammadu Buhari

(g) *Request for Virement & Supplementary 2018 Budget:*

**PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA**

11th July, 2018

*Distinguished Senator Abubakar Bukola Saraki
President of the Senate,
Senate Chambers,
National Assembly Complex,
Three Arms Zone,
Abuja.*

Dear Distinguished Senate President,

REQUEST FOR VIREMENT & SUPPLEMENTARY 2018 BUDGET

As you are aware, the 2019 General Election is scheduled to be conducted early in 2019. To ensure that adequate arrangements are made for free and 'fair elections, it has become necessary to appropriate funds to enable the relevant agencies to commence preparations INEC and the Security agencies have accordingly recently submitted their requests. These have been subjected to the usual budget evaluation. The aggregate cost of the elections is estimated at ₦242,445,322,600.00.

However, in the light of prevailing fiscal constraints, I am proposing that the sum of ₦164,104,792,065.00 be provided for through virement or supplementation of the 2018 budget I propose that the balance of ₦78,340,530,535.00 mostly related to personnel allowances, fueling and other costs not required until the election proper, be provided in their 2019 budget.

The proposal for the 2019 General Elections are summarized below:

Agency	2018 Supplementary (₦)	2019 Budget(₦)	Total Amount(₦)
INEC	143,512,529,455.00	45,695,015,438.00	189,207,544,893.00
ONSA	3,855,500,000.00	426,000,000.00	4,281,500,000.00
DSS	2,903,638,000.00	9,309,644,455.00	12,213,282,455.00
NSCDC	1,845,597,000.00	1,727,937,500.00	3,573,534,500.00
NPF	11,457,417,432.00	19,083,900,000.00	30,541,317,432.00
NIS	530,110,178.00	2,098,033,142.00	2,628,143,320.00
TOTAL	164,104,792,065.00	78,340,530,535.00	242,445,322,600.00

You will also recall that when I signed the 2018 Appropriation Act, I indicated the need to request the reinstatement of certain cuts made to certain critical projects provided in the original Executive Bill. I am therefore submitting for your consideration the reinstatement of the most critical of such cuts totaling ₦64,749,216,150, which are summarized in page 1.

The total amount required to be provided for in the 2018 budget for the 2019 General Elections and to restore the identified critical projects to the amount earlier proposed is therefore ₦228,854,008,215. Implementing a budget of ₦9.12 trillion for 2018 will be extremely challenging and therefore, I do not consider it expedient to propose a further increase to the size of the 2018 Expenditure Framework to fund these very important and critical expenditure items.

Accordingly, I invite the Distinguished Senate to consider, in the national interest, reallocating some of the funds appropriated for the new projects which were inserted into the 2018 Budget proposal totaling ₦578,319,951,904 to cover the sum of ₦228,854,008,215 required as noted above. A schedule setting out a comprehensive list of these inserted projects is attached to this letter for ease of your consideration.

Further to the above, kindly find attached the Supplementary Budget and Virement proposal for your consideration.

While hoping that this request will receive the expeditious consideration of the Distinguished Senate, please accept, Mr. Senate President the assurances of my highest consideration.

Yours Sincerely,
(Signed)
Muhammadu Buhari

4. **Announcements:**

(a) **Special Invitation to a Thanksgiving Service:**

The Senate President read a letter from Senator Dino Melaye (Kogi West) as follows:



Senator Dino Melaye
Kogi West Senatorial District
Chairman Senate Committee on Federal Capital Territory

16th July, 2018

His Excellency,
Distinguished Senator Abubakar Bukola Saraki, CON
President of the Senate.

Attn: Distinguished Senators
National Assembly Complex,
Abuja.

Distinguished Colleagues.

SPECIAL INVITATION TO MY THANKSGIVING SERVICE AND RECEPTION

I am highly delighted to invite Distinguished Senators to attend my Thanksgiving Service and Reception, which is holding as scheduled below:

Date: Saturday, 21st July, 2018
Time: 9.00 am Prompt
Venue: Atiku Square, Aiyetoro Gbede, Ijumu Local Government Area, Kogi State.

I do hope that you will all join me for this all-important Thanksgiving Service, and for a reception immediately afterward, at my residence, Aiyetoro Gbede, Kogi State.

Thank you all.

Yours Sincerely,
(Signed)
Senator Dino Melaye

(b) Acknowledgment:

The Senate President acknowledged the presence of the Staff and Students of SASCON International School, Maitama, Abuja who were at the gallery to observe Senate Proceedings.

5. Matter of Urgent Public Importance:

Rising on Rules 42 and 52, Senator Umar I. Kurfi (*Katsina Central*) drew the attention of the Senate to the flood disaster in Communities in Jibia Local Government Area, in Katsina State. He sought and obtained the leave of the Senate to present the matter forthwith:

The Senate:

aware of the flood occasioned by hours of heavy down pour has killed 49 persons mostly women and children in several communities of Jibia Local Government Area of Katsina State;

notes that over 20 persons are missing in the four-hour rainfall which lasted between 11:00 p.m on Sunday and 3:00 a.m on Monday, 16th July, 2018 that destroyed over 500 houses, electrical installation and roads; and

further notes that thousands of residents have been rendered homeless while over 250 livestock were confirmed killed in the disaster. Most affected areas are those living in Unguwar Kwa-kwa, Unguwar Mai Kwari, Tudun Takari (both the new and old settlements) as well as Dan Tudu.

Accordingly resolves to:

- (i) observe one minute silence in honour of the deceased; and
- (ii) urge the National Emergency Management Agency (NEMA) to immediately provide relief materials to the victims in the affected areas to facilitate their relocation, resettlement and survival.

Debate:

Proposed Resolution (i):

Question: That the Senate do observe one minute silence in honour of the deceased — *Agreed to.*

Proposed Resolution (ii):

Question: That the Senate do urge the National Emergency Management Agency (NEMA) to immediately provide relief materials to the victims in the affected areas to facilitate their relocation, resettlement and survival — *Agreed to.*

Resolved:

That the Senate do:

- (i) observe one minute silence in honour of the deceased; and
- (ii) urge the National Emergency Management Agency (NEMA) to immediately provide relief materials to the victims in the affected areas to facilitate their relocation, resettlement and survival (*S/Res/014/04/18*).

One minute silence accordingly observed in honour of the deceased.

6. Committee on Ethics, Privileges and Public Petitions:

Motion made: That the Senate do receive the Reports of the Committee on Ethics, Privileges and Public Petitions in respect of:

- a. Alhaji Kabiru Suleiman, against the National Assembly Service Commission (NASC), for alleged forced retirement from the Commission;

- b. Eze O. Chukwuma, against the Military Pensions Board and Fidelity Bank Plc for non-payment of his gratuity and perpetuation of fraud in his Bank Account;
- c. Engr. Rasheedat Al-Bashir, against Abuja Electricity Distribution Company (AEDC) for her unlawful dismissal from the Service of the Company; and
- d. Report of the Senate Committee on Ethics, Privileges and Public Petitions on the screening of nominees for the Code of Conduct Bureau (CCB) (*Senator Samuel N. Anyanwu — Imo East*).

Question put and agreed to.

Reports Laid.

7. Committee on Police Affairs:

Report on the Confirmation of Appointment as Chairman and members of the Police Service Commission (PSC):

Motion made: That the Senate do consider the Report of the Committee on Police Affairs on the confirmation of the nomination of the following persons for appointment as Chairman and Members of the Police Service Commission (PSC):

S/N	Name	Position	Zone
(i)	Musiliu Adeola Kunbi Smith CFR,M.Sc,FNIM,fwc	Chairman	South West
(ii)	Justice Clara Bata Ogunbiyi, (FNICArb) (rtd)	Full time Commissioner	North East
(iii)	Lawal Bawa (AIG) Rtd, CON, mni	Full time Commissioner	North West
(iv)	Muhammad H. Najatu	Member	North West
(v)	Braimoh Adogame Austin	Member	South South
(vi)	Barr. Rommy Mom	Member	North Central
(vii)	Dr. Nkemka Oshimiri Jombo-Ofo	Member	South East

(Senator Abu Ibrahim — Katsina South).

Question put and agreed to.

Report presented.

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

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

Consideration of the Report of the Committee on Police Affairs on the confirmation of the nomination for appointment as Chairman and Members of the Police Service Commission (PSC).

Nominees recommended for confirmation:

(i)	Musiliu Adeola Kunbi Smith CFR,M.Sc,FNIM,fwc (<i>Chairman</i>) (<i>South West</i>)	—	<i>Agreed to.</i>
(ii)	Justice Clara Bata Ogunbiyi, (FNICArb) (rtd) (<i>Full time Commissioner</i>)(<i>North East</i>)	—	<i>Agreed to.</i>
(iii)	Lawal Bawa (AIG) Rtd, CON, mni (<i>Full time Commissioner</i>)(<i>North West</i>)	—	<i>Agreed to.</i>
(iv)	Muhammad H. Najatu (<i>Member</i>)(<i>North West</i>)	—	<i>Agreed to.</i>
(v)	Braimoh Adogame Austin (<i>Member</i>)(<i>South South</i>)	—	<i>Agreed to.</i>
(vi)	Barr. Rommy Mom (<i>Member</i>)(<i>North Central</i>)	—	<i>Agreed to.</i>
(vii)	Dr. Nkemka Oshimiri Jombo-Ofo (<i>Member</i>)(<i>South East</i>)	—	<i>Agreed to.</i>

Chairman to report progress.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Police Affairs on the confirmation of the nomination for appointment as Chairman and Members of the Police Service Commission (PSC) and approved the nominations.

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

Confirmation of nominations:*Question:*

“Will the Senate confirm the nomination of Musiliu Adeola Kunbi Smith CFR, M.Sc, FNIM, fwc (South West) for appointment as Chairman of the Police Service Commission (PSC)?” — *Resolved in the Affirmative.*

Nomination of Musiliu Adeola Kunbi Smith CFR, M.Sc, FNIM, fwc (South West) for appointment as Chairman of the Police Service Commission (PSC) accordingly confirmed.

Question:

“Will the Senate confirm the nomination of Justice Clara Bata Ogunbiyi, (FNICArb) (rtd) (Full time Commissioner)(North East) for appointment as Member of the Police Service Commission (PSC)?” — *Resolved in the Affirmative.*

Nomination of Justice Clara Bata Ogunbiyi, (FNICArb) (rtd) (Full time Commissioner)(North East) for appointment as Member accordingly confirmed.

Question:

“Will the Senate confirm the nomination of Lawal Bawa (AIG) Rtd, CON, mni (Full time Commissioner)(North West) for appointment as Member of the Police Service Commission (PSC)?” — *Resolved in the Affirmative.*

Nomination of Lawal Bawa (AIG) Rtd, CON, mni (Full time Commissioner)(North West) for appointment as Member accordingly confirmed.

Question:

“Will the Senate confirm the nomination of Muhammad H. Najatu (Member)(North West) for appointment as Member of the Police Service Commission (PSC)?” — *Resolved in the Affirmative.*

Nomination of Muhammad H. Najatu (Member)(North West) for appointment as Member accordingly confirmed.

Question:

“Will the Senate confirm the nomination of Braimoh Adogame Austin (Member)(South South) for appointment as Member of the Police Service Commission (PSC)?” — *Resolved in the Affirmative.*

Nomination of Braimoh Adogame Austin (Member)(South South) for appointment as Member accordingly confirmed.

Question:

“Will the Senate confirm the nomination of Barr. Rommy Mom (Member)(North Central) for appointment as Member of the Police Service Commission (PSC)?” — *Resolved in the Affirmative.*

Nomination of Barr. Rommy Mom (Member)(North Central) for appointment as Member accordingly confirmed.

Question:

"Will the Senate confirm the nomination of Dr. Nkemka Oshimiri Jombo-Ofo (*Member*)(*South East*) for appointment as Member of the Police Service Commission (PSC)?" — *Resolved in the Affirmative.*

Nomination of Dr. Nkemka Oshimiri Jombo-Ofo (Member)(South East) for appointment as Member accordingly confirmed.

8. **Committee on Special Duties:**

Report on the National Commission for Refugees, Migrants and Internally Displaced Persons Bill, 2018 (SB. 335):

Consideration of Report deferred to another Legislative Day.

9. **Committee on Agriculture and Rural Development:**

Report on the National Fertilizer Quality (Control) Act Bill, 2018 (SB. 338):

Motion made: That the Senate do consider the Report of the Committee on Agriculture and Rural Development on the National Fertilizer Quality (Control) Bill, 2018 (*Senator Aliyu S. Abdullahi — Niger North*).

Question put and agreed to.

Report presented.

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

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO REGULATE THE MANUFACTURE, IMPORTATION, DISTRIBUTION AND QUALITY CONTROL OF FERTILIZER IN NIGERIA AND FOR OTHER RELATED MATTERS, 2018

Debate:

Further consideration of the Report deferred and referred back to the Committee and the Directorate of Legal Services for further Legislative Action;

Chairman to report progress.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Agriculture and Rural Development on the National Fertilizer Quality (Control) Bill, 2018 and referred the Report back to the Committee, and the Directorate of Legal Services for further Legislative Action.

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

10. **Committee on Establishment and Public Service:**

Report on the Facilities Management Council of Nigeria (FMCN)(Establishment, etc.) Bill, 2018 (SB.340):

Motion made: That the Senate do consider the Report of the Committee on Establishment and Public Service on the Facilities Management Council of Nigeria (FMCN) (Establishment, etc.) Bill, 2018 (*Senator Emmanuel I. Paulker — Bayelsa Central*).

Question put and agreed to.

Report presented.

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

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO ESTABLISH THE CHARTERED INSTITUTE OF FACILITIES MANAGEMENT OF NIGERIA TO REGULATE THE PRACTICE, REGISTER AND CERTIFY PRACTITIONERS IN THE SYSTEM; AND FOR RELATED MATTERS, 2018.

PART I — ESTABLISHMENT OF THE COUNCIL

Clause 1: Establishment of the Council.

- (1) There is established a body to be known as the Chartered Institute of Facilities Management Council of Nigeria (in this Bill referred to as "the Council").
- (2) The Council —
 - (a) shall be a body corporate with perpetual succession and a common a common seal; and
 - (b) may sue and be sued in its corporate name; and

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) —
Agreed to.

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

PART II — ESTABLISHMENT OF THE GOVERNING COUNCIL

Clause 2: Composition of the Governing Council.

- (1) There is established for the Council a Governing Council (in this bill referred to as "the Council"), which shall have the general control of the Institute.
- (2) The Council shall consist of —
 - (a) A President;
 - (b) 1st and 2nd Vice President;
 - (c) 10 members representing Nigeria Institute for facilities Management;
 - (d) Immediate past President of the Institute;
 - (e) Immediate past President of the Nigeria Institute for facilities Management;
 - (f) Two persons from different Institutions by rotation, to represent the higher institutions of learning offering courses approved by the Council.

- (g) One representative from each of the following —
 - i. Federal Ministry of Power, Works & Housing
 - ii. Federal Ministry of Transport/Aviation
 - iii. Federal Ministry of Environment
 - iv. Office of the Head of Service of the Federation (overseer);
- (h) One representative from the following professional Institutions —
 - i. The Nigerian Institute of Estate Surveyors and Valuers
 - ii. The Nigeria Society of Engineers
 - iii. The Nigeria Institute of Building
 - iv. The Nigeria Institute of Quantity Surveyors
 - v. The Nigeria Institute of Architects
- (3) The President and the 1st and 2nd Vice Presidents of the Institute shall be Certified Facility Managers of Nigeria and shall be elected by members of the Council from amongst themselves
- (4) The provision set out in the schedule to this Bill shall have effect with respect to the qualifications and tenure of office of members of the Board.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) —
Agreed to.

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

Clause 3: The Functions of the Council.

- (1) The functions of the Council shall be to —
 - (a) determine the standards of knowledge and skill to be attained by any person seeking to become a Chartered Facility Manager of Nigeria (CFMN) and reviewing such standard from time to time;
 - (b) secure in accordance with the provisions of this Bill the establishment and maintenance of register of registered members entitled to practice as —
 - i. Certified Facility Managers of Nigeria (CFMN);
 - ii. Facility Management Professional of Nigeria (FMPN); and
 - iii. Facility Management Technician of Nigeria (FMTN)
 - (c) publish from time to time the lists of persons so registered; and
 - (d) Certification of private and public facilities managers to ensure their standards and compliance with relevant laws in the development and management in Nigeria irrespective of where he/she obtains the qualification;
 - (e) Issue license to any person qualified to practice the profession of facility management in Nigeria irrespective of where he/she obtains the qualification;

- (f) Perform such functions as the Board may deem necessary for the attainment of all or any of its functions of the Council.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) — Agreed to.

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

Clause 4: Provision of Library Facility.

The Council shall -

- (a) provide and maintain a library comprising books and publications on the advancement of knowledge of Facilities Management and other books and publications as the Council may think necessary for that purpose; and
- (b) encourage research into Facility Management and allied subjects as the Council may consider necessary.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) — Agreed to.

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

Clause 5: Duties of the Governing Board.

- (1) It shall be the duty of the Board to keep itself informed of the nature of -
 - (a) The instruction given at approved Institutions to persons attending approved course of training; and
 - (b) The examination as a result of which approved qualifications are obtained;
 - (c) Responsibility for the general management of the affairs of the Council, and in particular, the general control of the Council;
 - (d) Ensure that its Registered Facility Management professionals/Practitioners maintain a reputable and high standard of behaviour expected of any professional in the facility management profession;
 - (e) Determining who are facility managers for the purpose of this Bill;
 - (f) Determining what standards of Knowledge and skills to be obtained by person seeking to become registered as facility managers and raising those standards from time to time as circumstances may permit;
 - (g) Provide education and conduct interviews of persons desiring to become professional facility managers according to the provisions of this Bill;
 - (h) Certification of private and public facilities managers to ensure their standards and compliance with relevant laws in Nigeria;
 - (i) Secure in accordance with the provision of this Bill, the establishment and maintenance of the register of persons entitled to practice as registered Facility Managers and the publication from time to time of lists of these persons.

- (j) Regulating and controlling the practice of Facility Management profession in all aspects and ramifications
 - (k) Organize-
 - i. Conferences, seminars, symposia, meetings, workshops and lectures on facility management and related issues;
 - ii. Post-qualification courses for its members; and
 - iii. Conduct membership induction
 - (l) Ensure the practice of Facility Management is embedded in infrastructure development and management of all public facilities through the establishment of the office of Facility Manager General at all tiers of government;
 - (m) Define the roles of Facility Managers responsible for defining, designing and implementing strategies and policies for the management of all government buildings and infrastructures;
 - (i) Establish a Link up with educational authorities for advanced academic studies in Facilities Management; and
 - (n) Perform such functions as are incidental to its functions or as the Institute may deem necessary for the attainment of all or any of its functions; and
- (2) The Board shall appoint a facility management consultant (chartered facility manager) in the design and construction team of construction projects in both public and private sector.
- (3) The Board may, in the performance of its duties under Subsection (1) of this section, appoint persons either -
- (a) its own members; or
 - (b) from outside its membership but a member of the Council to visit approved institutions or observe such examinations.
- (4) Persons appointed by the Board shall report -
- (a) the relevancy or otherwise of the instructions to persons attending approved courses of training at institutions visited;
 - (b) the relevancy or otherwise of the examinations;
 - (c) any other matter relating to the Institution or examination on which the Council may, either generally or in particular case request him to report;
- (5) Any person appointed by the Board for the purpose mentioned in this section shall not interfere with the giving of any instruction or the holding of any examination.
- (6) On receiving a report, the Board may if it deems fit, send a copy of the report to the person in charge of the Institution responsible for the conduct of examination to which the report, requesting the person to make observation to the Council within a period of one month from the date the report is received by such person.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) — Agreed to.

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

Clause 6: Enrolment of Membership.

- (1) Subject to the provisions of this Bill, a person can become a professional or an associate member and shall be enrolled by the Council in the following categories -
 - (a) Certified Facility Manager of Nigeria (CFMN);
 - (b) Facility Management Professional of Nigeria (FMPN);
 - (c) Facility Management Technician of Nigeria (FMTN); and
 - (d) Fellow of the Council of Facility Management of Nigeria (FCIFMN)
- (2) A person accorded the status of a Facility Manager by the Council shall be entitled to the use of that name and shall in addition be enrolled as -
 - (a) Fellow, if -
 - i. he has attained the age of 35 years and not less than 10 years of professional experience;
 - ii. he has held a senior appointment in any relevant organization for at least 5 years; and
 - iii. has made notable contribution to the growth of facility management.
 - (b) Certified Member:
 - i. he has attained the age of 30 years and not less than 10 years of professional experience;
 - ii. he has held a senior appointment in any relevant organization for at least 5 years;
 - iii. he is a holder of certificate of final examination of the Institute and/or approved professional qualification; and
 - iv. he is considered by the Council to be a fit and proper person to be enrolled.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) — Agreed to.

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

Clause 7: Qualification of Members.

- (1) A person can be accorded the status of Facility Management Professional of the Council, if -
 - (a) he has attained the age of 21 years and he has passed any examination prescribed or accepted by the Council; and

- (b) he has at least two years professional working experience or in the case of a person who has spent two years in any higher education, approved by the institute has 2 years professional experience.
- (2) In accordance with the provision of subsection (1) of this section, the person(s) so qualified as members of the Institute, shall be given letters with designation as follows -
 - (a) Certified Facility Manager of Nigeria shall be "CFMN".
 - (b) Facility Management Professional of Nigeria shall be "FMPN";
 - (c) Facility Management Technician of Nigeria shall be "FMTN";
 - (d) Fellow Council of Facilities Management of Nigeria (FCIFMN);
 - (e) Student member; and
 - (f) Corporate membership

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) — Agreed to.

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

**PART III - APPOINTMENT OF REGISTRAR, OTHER STAFF OF THE
COUNCIL AND PREPARATION OF REGISTER OF MEMBERS**

Clause 8: Appointment of Registrar and Other Staff.

- (1) The Board shall appoint a fit and proper person who shall be the Registrar of the Council.
- (2) The Board shall appoint other persons who shall assist the Registrar in the performance of his duties under this Bill.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) — Agreed to.

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

Clause 9: Duties of the Registrar.

- (1) The Registrar shall in accordance with the rules made by the Board, prepare and maintain a register of names, addresses approved qualifications and particulars of members as may be specified in the rules, of persons who are entitled to be registered as members of institute as -
 - (a) Certified Facility Manager of Nigeria;
 - (b) Facility Management Professional of Nigeria;
 - (c) Facility Management Technician of Nigeria; or
 - (d) Fellow of the Council.
- (2) The Board shall make regulations with respect to the form and manner of keeping the register and making entries, and in particular -
 - (a) regulate the making of application for enrolment or registration;

- (b) provide for the notification of the Registrar by the person making such application, of any change in his particulars; and
 - (c) specify fees, including any annual subscription to be paid to the Council in respect of the entry of names on the register and authorising the Registrar to refuse to enter a name on the register until the specified sum for the entry has been paid.
- (3) The Registrar shall -
- (a) correct any entry in the register which in the Board's opinion was incorrectly made;
 - (b) make any necessary alteration, from time to time, to the particulars of registered person;
 - (c) remove the name of any member who is deceased;
 - (d) record the names of members who defaulted for more than six (6) months from payment of annual subscription and to take necessary action, including removal of names from the register as the Board may direct;
 - (e) send by post to any registered person, a letter, inquiring whether the registered particulars relating to him are correct and the said letter shall be replied within six (6) months from the date of posting;
 - (f) upon the expiration of the period of six (6) months and no reply is received, a reminder may be sent to such person, which shall be replied within three (3) months; if no reply is received, the name of such person shall be removed from the register of members;
 - (g) re-situate any name so removed upon satisfying certain conditions made by the Board;
 - (h) cause the register or the list of correction made to be published and put on sale to members of the public within a period of two years;
 - (i) cause a print of each edition of register and of the list of corrections to be deposited at the principal office of the Institute;
 - (j) keep the register and list of corrections so deposited to be made available to the members of the public at all reasonable time for inspection; and
- (4) A document published by the authority of the Registrar and the list of correction so made shall be used as evidence for or against any person.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) — Agreed to.

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

PART IV — FINANCIAL PROVISIONS

Clause 10: Funds of the Council.

- (1) The Board shall establish and maintain a Fund for the Council, which shall be paid -

- (a) all fees and other money payable to the Council in the course of the discharge of its functions; and
 - (b) any other sum or property, which may in anyway be payable or vested to the Council.
- (2) There shall be paid out of the Fund of the Council -
- (a) the remuneration and allowances of the Registrar and other employees of the Council;
 - (b) such reasonable travelling, subsistence allowances of members and other expenses as may be approved by the Council; and
 - (c) any other expenses incurred by the Board in the discharge of its functions under this Bill
- (3) The Council may invest money in any security created or issued by or on behalf of the Federal Government or any other securities in Nigeria, approved by the Council.
- (4) The Board may from time to time, borrow money for the purpose of the Council and interest payable on the money so borrowed, shall be paid out of the fund.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) — Agreed to.

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

Clause 11: Accounts, Etc.

The Council shall -

- (a) keep proper accounts on behalf of the Board in respect of each year and proper records in relation to those accounts and the Board shall cause the accounts to be audited by any auditor and, when audited, the accounts shall be submitted to the members of the Council for approval, at a meeting of the Council; and
- (b) prepare and submit to the Head of Service of the Federation not later than 30th September of each year, an estimate of its expenditure and income during the next succeeding year.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) — Agreed to.

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

PART V — REGISTRATION

Clause 12: Registration as Chartered Facility Manager.

- (1) A person shall be registered as member of the institute if -
 - (a) he passes the qualifying examination for training prescribed by the Council; or
 - (b) has relevant professional experience; or

- (c) he holds a qualification granted within or outside Nigeria, which is acceptable to the Institute and satisfy the Council that he has sufficient experience as a facility management professional.
- (2) A person who applies for registration shall in addition to the qualification, satisfy the Council that -
 - (a) he is of good character;
 - (b) he has attained the age of eighteen; and
 - (c) he has not been convicted of any criminal offence involving fraud or dishonesty.
- (3) The Council may provisionally accept a qualification produced in respect of any application for registration or order that the application be renewed within a period to be specified by the Council.
- (4) The Council shall from time to time publish in the Office Gazette, applications accepted for registration.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) — Agreed to.

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

Clause 13: Establishment of Nigerian College for Facility Management.

There is established an affiliated Institute to be known as the Nigerian Institute for Facilities Management whose activities shall be regulated by the Council.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) — Agreed to.

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

Clause 14: Approval of Institutions by the Council.

- (1) The Board may approve any institution for the purpose of this Bill and may for that purpose approve -
 - (a) any course of training at any of the approved institutions, which is intended to confer on any person offering it, sufficient knowledge and skill for qualification as a member of 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 at examination, indicating in the opinion of the members of the Council that the candidate has sufficient knowledge and skill to practice as a Chartered Facility Manager.
- (2) The Board may withdraw any approval given under this section, provided that the Council -
 - (a) gives notice of its intention and reason to withdraw such approval;
 - (b) provides an opportunity of making to the Council representations with regards to the intention; and

- (c) take into consideration, any such representation made
- (3) The withdrawal of an approval shall not prejudice any person who by virtue of approval, was registered or was eligible for registration, either conditionally or subject to his obtaining a certificate of experience.
- (4) The giving or withdrawal of an approval, shall have effect from the date specified in the instrument and the Council shall as soon as possible, publish a copy of any such instrument in a Gazette, not later than seven (7) days thereof.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) — Agreed to.

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

Clause 15: Supervision.

- (1) The members of the Board shall from time to time supervise -
 - (a) the instruction given to approved institutions and to persons attending approved courses; and
 - (b) the conduct of examination in such institutions.
- (2) The Board may in the performance of its duty, appoint any person or persons to visit any approved institution as assigned for that purpose.
- (3) A person or persons so appointed shall report to the Council -
 - (a) the relevancy or otherwise of the instruction given in the Institution so visited;
 - (b) the relevancy of the examination so conducted by the institution; and
 - (c) any other matters that may be relevant to the institution with respect to the examination conducted or the content of the instruction.
- (4) where a report is made pursuant to this section, the Council may send a copy of the report to the person in charge of the Institution to which such report relates, requiring him to make representation on the report to the Council within a period of one (1) month from the date the request is made.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) — Agreed to.

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

PART VI — PROFESSIONAL DISCIPLINE

Clause 16: Establishment of Investigative Panel.

- (1) There is established for the Council an Investigative Panel (in this Bill referred to as "the Panel").
- (2) Members of the Panel shall be appointed by the Board and shall comprise the following -
 - (a) two members of the Board; and

- (b) one Chartered Facility Manager of Nigeria who is not a member of the Board.
- (3) The Panel shall be responsible for -
 - (a) conducting preliminary investigation into any case where a member is alleged to have committed misconduct;
 - (b) advice the Board on any matter referred to it for investigation; and
 - (c) recommend for the suspension or dismissal of any person liable of committing professional misconduct, and recommend for the removal from the register of members, the name of any person found to have committed a professional misconduct.
- (4) The provisions set out in the Second Schedule to this Bill shall have effect with respect to the proceeding of the Panel.
- (5) The Board may, from time to time, make rules consistent with this Bill, as to acts, conducts or commissions, which constitute professional misconduct.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) — *Agreed to.*

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

Clause 17: Professional Misconduct.

- (1) Where-
 - (a) a member is found to have committed professional misconduct; or
 - (b) is convicted by a competent court for an offence which in the opinion of the Panel, is not fit to continue being a member of the Board; or
 - (c) the Panel is satisfied that the name of a member is fraudulently enrolled or registered, the Panel may recommend to the Board that the name of such a member be removed from the register of members.
- (2) Any member who is dissatisfied with the decision of the Board, shall within thirty (30) days, appeal to court for a review of the Board's decision.
- (3) Any member whose name has been removed from the register of members on the instruction of the Council, in pursuance of the directive of the Panel, shall not be entitled to be registered again, except directive is given by the court or he applies to the Board and the Board decides that such a person is fit and proper to be a member of the Council.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) — *Agreed to.*

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

PART VII - MISCELLANEOUS

Clause 18: Application of the Bill to Unenrolled Person.

Any person who is not a member of the Council who, for the purpose of this Bill would have been qualified to apply and obtain membership, may within the period of three (3) months beginning from the day this Bill comes into force, apply for membership of the Council; and if approved, he shall be enrolled or registered as the case may be according to his qualification.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) — *Agreed to.*

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

Clause 19: Power to Make Rules.

- (1) The Board may also make rules -
 - (a) prescribing the amount and the date within which payment of the annual subscription and the annual renewal of membership shall be made;
 - (b) prescribing the form of license for practise to be issued annually;
 - (c) restricting the right to practice as a Certified Facility Manager if the Qualification obtained outside Nigeria does not entitle the holder to practice as such; and
 - (d) prescribing the period of training in the office of a Certified Facility Manager in practice before a person qualifies for registration or license to practice as Facility Manager.
- (2) Any regulation or rules made under this Bill shall be published in the Federal Government Gazette as soon as they are made and copy of the regulations shall be forwarded to the Ministry of Environment and the office of the Head of Service of the Federation not less than seven (7) days before they are published.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) — *Agreed to.*

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

Clause 20: 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 or she knows to be false in a material particular; or
 - (b) recklessly makes a statement, which is false in a material time particular, he or she is guilty of an offence.
- (2) If, on or after the commencement date of this Bill, a person who is not a member of the Council practices or holds himself out as a member in expectation of a reward or takes or uses any name, title addition or description implying that he is member, he is guilty of an offence.

- (3) If the Registrar or 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.
- (4) A person who is found guilty of an offence under this section, is liable on conviction to -
 - (a) imprisonment for a term of not less than two years; or
 - (b) an option of fine of not less than exceeding ₦50,000.00 or to both such fine and imprisonment; and
- (5) 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 attributable to any neglect on the part of any Director, Manager, Secretary, or other similar officer of the corporate body or any person purporting to act in such capacity, he or she as well as the body corporate shall be deemed to have committed the offence and shall be liable to be prosecuted and punished accordingly.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) — Agreed to.

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

Clause 21: Interpretation.

In this Bill;

"an Associate" means a member of the Council who is not a professional member of the Council;

"Board" means the Governing Board established under section 2(1) of this Bill

"Council" means the Facilities Management Council of Nigeria established as the governing body of the Council under section 1(1) of this Bill;

"Corporate member" means an employer of labour that qualifies under section 7 (2)(f) of this Bill;

"Court" means Federal High Court and High Court of the Federal capital Territory;

"Enrolled" means in relation to registered members,

"Facility management" denotes the general coordination of activities that are involved in facility service, facility care, facility maintenance management, facility planning.

"Facility service or facility management professional" means any qualified member or person registered who is into practice or employed by any organization, MDAs, corporation and engaged in facility services, facility care, facility management, facility maintenance, facility engineering or re-engineering, facility planning or facility security management under this Bill;

"Fees" includes annual subscriptions;

"Facility Manager" means a Facility Manager enrolled as a professional member or an Associate Member of the Council;

"Investigative Panel" means Facility Management Council of Nigeria Investigating Panel established under section 16 of this Bill;

"Member" means a registered member of the Council;

"President and 1st and 2nd Vice Presidents" mean office holders under those names in the Council.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) — Agreed to.

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

Clause 22: Short Title.

This Bill may be cited as the Facilities Management Council of Nigeria (Establishment, Etc.) Bill, 2018.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) — Agreed to.

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

SCHEDULES

FIRST SCHEDULES

[Clause 2(8)]

SUPPLEMENTARY PROVISION RELATING TO THE BOARD

1. (1) Qualification and tenure of office of members -
 - (a) Subject to the provision of this paragraph, a member of the Board shall hold for a project period of 2 years beginning from the date of his appointment or election.
 - (b) Any member of the Council who ceases to be a member thereof, shall if he is also a member of the Board, shall cease to hold office as a member of the Board.
 - (c) Any elected member of the Board may by notice in writing, under his addressed to the President of the Council, resign from his office.
- (2) Elections to the Board shall be held in such manner as may be prescribed by rules made by the Board and they shall be decided by secret ballot.
- (3) If for any reason, there is a vacation of office by a member:
 - (a) Such member, if appointed by the minister, the minister shall appoint another fit and proper person to replace such member; or
 - (b) Such member, if elected by the Board may if the time between the unexpired portion of the term of office and the Annual General Meeting of the Council appears to warrant the filling of the vacancy co-opt some fit and proper persons.

Power of the Governing Board

2. (1) The Board shall have power to do anything, which in its opinion is calculated to facilitate the carrying on of the activities of the Council and in the exercise of such powers under this Bill, may set up committees in the general interest of the Council and make standing orders or bye laws.

Proceeding of the Board

3. (1) Subject to the provisions of this Bill, the Board may in the name of the Council make standing orders regulating the its proceedings or any of their its committees.
- (2) The standing orders shall:
- (a) provide for decision to be taken by majority of the members and in the event of equality of vote, the President of the Council shall have a second or casting vote;
- (b) provide for committee to report back to the Council on any matter referred to it by the Council.
- (3) The quorum of the Board shall be 10 and the quorum of a committee of the Council shall be determined by the Board.

General Meeting of the Council

4. (1) The Board shall convene an Annual General Meeting of the Council on the 30th day of October every year or such other day as the Board may, from time to time, appoint so that if the meeting is not held within one year after previous meeting not more than 15 months shall elapse between the respective dates of two meetings.
- (2) A special meeting of the Council may be convened by the Board at any time, not less than 20 members of the Board are informed by notice in writing addressed to the Registrar of the Council setting out the objects of the proposed meetings, the President of the Council shall chair the special meeting of the Council.
- (3) The quorum of any meeting of the Council shall be 25 members and that of any special meeting of Board shall be 20 members

Meeting of Board

5. (1) Subject to the provisions of any standing order, the Board shall meet whenever it is summoned by the President, and if the President is required to do so by notice in writing given to him by not less than seven other members, he shall summon a meeting of Board to be held within seven days from day on which the notice is given.
- (2) At any meeting of Board, the President of the Council, who is the Chairman of the Governing Board, shall preside and in his absence, the Deputy 1st or 2nd Vice President shall preside, but if they are absent, the members present at the meeting shall appoint one of them to preside at the meeting.
- (3) Where the Board desires to obtain the advice of any person on a particular matter, the Board Council may co-opt him as a member, for such period as the Board deems fit, but a person who is a member by virtue of this sub-paragraph, shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.
- (4) Notwithstanding anything in the foregoing provision of this paragraph the first meeting of the Board shall be summoned by the minister who may give such directions as he thinks fit as to procedures, which shall be followed at the meeting.

Committees

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

Miscellaneous

7. (1) The fixing of the common seal of the Council shall be authenticated by the signature of the President or any other member of Board authorized generally or specifically 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 under seal, may be executed on behalf of the Board by any person generally or specially authorized to act for that purpose by the Board.
- (3) Any document purporting to be a document duly executed under the seal of the Council shall be received in evidence and shall, unless the contrary is proved, be deemed to be executed.
- (4) The validity of any proceeding of the Board or of a committee of the Council shall not be adversely affected by any vacancy in membership, or by any defect in the appointment of a member of the Council or of a person appointed to serve on the committee of the Council or by reason that the person is not entitled to do so, took part in the proceedings.
- (5) Any member of the Board and any person holding office on a committee of the Council, who has a personal interest in any contractual arrangement entered into or proposed to be considered by the Board or a committee thereof, shall forthwith disclose his interest to the President or the Board, as the case may be, and shall not vote on any question relating to the contractual arrangement.

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

SECOND SCHEDULES

*Clause 13(6)*SUPPLEMENTARY PROVISIONS RELATING TO
THE INVESTIGATIVE PANEL*The Investigative Panel*

1. (1) The quorum of the Investigative Panel shall be Five (5) members.
- (2) The Investigative Panel may, at any of its meetings attended by the members of the Panels, make standing order with respect to the Panel.
- (3) Subject to the provisions of any such standing order, the Investigative Panel may regulate its own procedures.

Miscellaneous.

1. Any document authorised or required by virtue of this Bill to be served on the shall be served on the Registrar of the Institute.
2. Any expenses of the Panel shall be defrayed by the Board from the Fund of the Council.

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

THIRD SCHEDULE

*[Clause 10 (9)]***Transfer of properties.**

1. (1) Every agreement to which the incorporated Council was a part immediately before the commencement of this Bill, whether it is writing or not, or in such nature that the rights, liabilities and obligations there-under could be assigned by the incorporated Council, shall unless the terms or subject matter make it impossible that it should have effect or be modified in the manner provided by this subparagraph, have effect from the appointed day so far as it relates to the property transferred by this Bill to the Council, as if —
 - (a) The Council had been a party to the agreement;
 - (b) For any reference (however worded and, whether express or implied) to the incorporated Council, there were substituted as respects anything failing to be done on or after the commencement of Bill, a reference to the Council; and
 - (c) For any reference (however worded and whether express or implies) to a member or members of the Board of the incorporated Council there were substituted, as respect anything failing to be done on or after the commencement of Bill, a reference to a member or members of the Council under this Bill.
2. Other documents which refer, whether specifically or generally, to the incorporated Council shall be constructed in accordance with sub-paragraph (1) of this paragraph so far as applicable.
3. Without prejudice to the generality to be of the foregoing provisions to this schedule, where by the operation of section 7 of this Bill, and right, liability or obligation, shall vest in the Council and all other persons shall, as from the commencement of this Bill, have the same rights as to the taking or resisting of legal proceedings of enforcing that rights as to the taking or resisting of legal proceedings of the making or resisting of applications to any authority for ascertaining, perfecting or enforcing that right, liability or obligation of the Council.
4. Any legal proceeding or application to any authority pending before the commencement of this Bill or against the incorporated Council, may be combined on or after that day or against the Council.
5. On the commencement of this Bill, any person holding any paid appointment in the incorporated Council, shall hold corresponding appointment in the Council on the same terms and conditions as to tenure or otherwise but shall not be entitled to receive remuneration both from the incorporated Council in respect of the same period of service.
6. If the law in force at the place where any property transferred by this act is situated provides for registration or transfer of property of the kind question (whether by reference to instrument of transfer or otherwise), the law shall, so far as it provided for alternation of a register (but not for avoidance to transfer the payment of fees or any other matter) apply with the necessary modifications to the property and the Council shall transfer to the officer of the registration authority and the officer the transfer accordingly.

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

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Establishment and Public Service on the Facilities Management Council of Nigeria (FMCN) (Establishment, etc.) Bill, 2018 and approved as follows:

Clauses 1- 22 — As Recommended

Schedules 1-3 — As Recommended

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

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

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

11. Committee on Establishment and Public Service:

Report on the Counselling Practitioners Council of Nigeria (Establishment, etc.) Bill, 2018 (SB.636):

Motion made: That the Senate do consider the Report of the Committee on Establishment and Public Service on the Counselling Practitioners Council of Nigeria (Establishment, etc.) Bill, 2018 (*Senator Emmanuel I. Paulker — Bayelsa Central*).

Question put and agreed to.

Report presented.

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

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO ESTABLISH THE COUNSELLING PRACTITIONERS COUNCIL OF NIGERIA TO CONDUCT QUALIFYING EXAMINATIONS, REGULATE THE COUNSELLING PROFESSION AND OTHER RELATED MATTERS, 2018.

**PART I — ESTABLISHMENT OF THE COUNSELLING
PRACTITIONERS COUNCIL OF NIGERIA**

Clause 1: Establishment of the Council.

- (1) There is established a body to be known as the Counselling Practitioners Council of Nigeria (in this Bill referred to as "the Council").
- (2) The Council —
 - (a) shall be a body corporate with perpetual succession and a common seal kept in its custody;
 - (b) may sue or be sued in its corporate name.

- (3) The Council may acquire, hold or dispose of any movable or immovable property for the purpose of its functions under this Bill.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) — Agreed to.

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

Clause 2: Functions/Duties of the Council.

The Council shall be charged with the general duty of —

- (a) advancing the science of Counselling;
- (b) determining the standards of knowledge and skill to be attained by persons seeking to become registered members of the Counselling Profession (in this Bill referred to as "the Profession") and reviewing those standards, from time to time as circumstances may require;
- (c) establishing and maintaining in accordance with the provisions of this Bill, a register of certified members of the Profession and the publication of the list of such members from time to time;
- (d) preparing and reviewing from time to time, a statement as to the Members of the Council code of conduct which the Council considers desirable for the practice the Profession;
- (e) promoting the highest standard of competence, practice and conduct among members of the Profession;
- (f) regulating and controlling the practice of the Profession in all its respects and ramifications;
- (g) promoting, regulating and controlling training, continuing education and scientific research which the Council considers necessary for the practice of the Profession;
- (h) publishing and disseminating scientific, educational, informative and Professional literature of the Profession;
- (i) encouraging the establishment or Counselling units in schools, hospitals, government Ministries, Departments and Agencies, and other organizations; and
- (j) performing such other functions as may be required of the Council under this Bill.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) — Agreed to.

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

Clause 3: The Governing Board of the Council.

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

- (2) The Board shall consist of the following members —
- (a) The President and Vice President of the Council;
 - (b) The Registrar;
 - (c) One person to be nominated by the Minister charged with responsibility for matter relating to Counselling (in this bill referred to as "The Minister") to represent the Ministry;
 - (d) Six persons with professional backgrounds that have a counselling bias, to be appointed by the Minister to represent each geo-political zone of Nigeria, no two of them shall come from the same state;
 - (e) Six persons appointed by the Counselling Association of Nigeria (CASSON); and
 - (f) Two persons to represent the universities offering courses leading to approved qualification in Guidance and Counselling or Counselling Psychology: no university referred to in this paragraph shall have more than one representative at a time.
- (3) The provisions of the First Schedule to this Bill shall have effect with respect to the qualification and tenure of office of members of the Council, powers and procedure of the Council and the other matters therein mentioned.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) —
Agreed to.

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

PART II — FINANCIAL PROVISIONS

Clause 4: Funds of the Institute.

- (1) The Board shall establish and maintain a fund for the Institute, the management and control of which shall be in the hands of the Board.
- (2) There shall be paid into the fund of the Council —
 - (a) all fees and other moneys payable to the Council in pursuance of this Bill; and
 - (b) such moneys as may be payable to the Council; whether in the course of the discharge of its functions or not.
- (3) There shall be paid out of the fund of the Council established under section 1 (1) of this section —
 - (a) the remuneration and allowances of the Registrar and other employees of the Council;
 - (b) such reasonable travelling and subsistence allowance of members of the Council in respect of the time spent on the business of the Council as the Council may approve;
 - (c) any other expenses approved and incurred by the Council in the discharge of its functions under this Bill.

- (4) The Council may invest moneys in the Fund in any security created or issued by or on behalf of the Government of the Federation or in any other securities in Nigeria approved by the Council.
- (5) The Council shall keep proper accounts on behalf of the Institute in respect of each financial year and proper records in relation to those accounts and the Council shall cause the accounts to be audited by a Auditor approved by the Institute and when audited, the accounts shall be submitted to the members of the Institute for approval at a meeting of the Institute.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senator Emmanuel I. Paulker — Bayelsa Central*) — Agreed to.

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

Further consideration of Report deferred to another Legislative Day.

Chairman to report progress.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Establishment and Public Service on the Counselling Practitioners Council of Nigeria (Establishment, etc.) Bill, 2018 and approved clauses 1 -4 and deferred further consideration of the Report.

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

12. **Committee on Tertiary Institutions and TETFUND:**
Report on the Federal College of Education (Technical) Arochukwu, Abia State (Establishment, etc.) Bill, 2018 (SB.519):

Consideration of Report deferred to another Legislative Day.

13. **Committee on Tertiary Institutions and TETFUND:**
Report on the Federal College of Education Usugbenu, Irrua, Edo State (Establishment, etc.) Bill, 2018 (SB.554):

Consideration of Report deferred to another Legislative Day.

14. **Committee on Tertiary Institutions and TETFUND:**
Report on the Federal Polytechnic, Kabo (Establishment, etc) Bill, 2018 (SB. 407):

Consideration of Report deferred to another Legislative Day.

15. **Committee on Judiciary, Human Rights and Legal Matters:**
Report on the National Commission for Peace, Reconciliation and Mediation Bill, 2018 (SB. 74):

Consideration of Report deferred to another Legislative Day.

16. Adjournment:

Motion made: That the Senate do now adjourn till Wednesday, 18th July, 2018 at 10:00 a.m. (*Senate Leader*).

Adjourned accordingly at 1:44 p.m.

Abubakar Olubukola Saraki, CON
President,
Senate of the Federal Republic of Nigeria.