



THE SENATE

FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Wednesday, 21st November, 2018

1. The Senate met at 10:53 a.m. The Senate President read Prayers.

2. **Closed Session:**

Closed Session — 10:57 a.m.

Open Session — 11:04 a.m.

The Senate President reported that the Senate in a Closed Session deliberated on issues bordering on the workings of the Senate in particular and the National Assembly in general.

3. **Votes and Proceedings:**

The Senate examined the Votes and Proceedings of Tuesday, 13th November, 2018.

Question was put and the Votes and Proceedings were approved.

4. **Messages from Mr. President:**

The Senate President announced that he had received two (2) letters from Mr. President, Commander-in-Chief of the Armed Forces of the Federation, which he read as follows:

(i) **Confirmation of Appointment:**



**PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA**

7th November, 2018

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

Dear Distinguished Senate President,

APPOINTMENT OF A JUSTICE TO THE SUPREME COURT OF NIGERIA

Pursuant to Section 231(2) of the 1999 Constitution of the Federal Republic of Nigeria (as amended) and upon the advice of the National Judicial Council, I hereby present for confirmation by the Senate the appointment of Hon. Justice Uwani Musa Abba Aji JCA as a Justice of the Supreme Court of Nigeria.

While hoping that this appointment would be expeditiously considered by the Senate, Please accept, Mr. Senate President, the assurances of my highest consideration.

*Yours sincerely,
(Signed)
Muhammadu Buhari*

(ii) Presidential Decision to Decline Assent:



**PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA**

5th November, 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
INSTITUTE OF CHARTERED BIOCHEMIST AND MOLECULAR
BIOLOGIST OF NIGERIA 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 5th November, 2018 to decline Presidential Assent to the Institute of Chartered Biochemist and Molecular Biologists of Nigeria Bill, 2018 recently passed by the National Assembly, for the following reasons:

- a. the provision of section 13(3) to give the Chartered Biochemist and Molecular Biologist of Nigeria power to approve academic programs and even close down programmes in tertiary institution would infringe on the mandate of the National Universities Commission and the National Board for Technical Education;*
- b. there are certain drafting and administrative issues in the Bill including the failure in Sections 13(8), 14 and 20(2) to designate a Chairman for both the Practice and Publicity Committee and or specific process for how a Chairman will emerge for either of the Education, Practice or Publicity Committees. This can lead to confusion in the administration of the Council.*

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

*Yours sincerely,
(Signed)
Muhammadu Buhari*

5. **Announcements:**(a) **Wedding Invitation:**

The Senate President read a letter from Senator Barnabas A.I. Gemade (*Benue North East*) as follows:



SENATOR DR. BARNABAS A. I. GEMADE OFR, FNSE

(Nom Iyange u Tiv)

Benue North East Senatorial District

NASS/8S/GEM/12/144

12th November, 2018

His Excellency,
Sen. (Dr.) Abubakar Bukola Saraki, CON
President of the Senate of the Federal Republic of Nigeria,
National Assembly Complex,
Three Arms Zone,
Abuja.

Your Excellency,

NOTIFICATION OF WEDDING AND SPECIAL INVITATION

I am delighted to specially invite Mr. President and Distinguished Colleagues to the wedding solemnization of my only daughter, Sedoo Mngu Gemade, who will be united with her betrothed, Sheyin Steven Yashim in bonds of holy matrimony.

Special invitation cards have been dispatched (sample attached hereof) and will be delivered to all in due course. However, in the unlikely event that there is a delay in delivery of same, please consider this your formal invitation to the wedding.

Mr. President, Distinguished Colleagues, your esteemed presence at the wedding will be greatly appreciated by my family and I as it will afford the couple with fond memories which they will cherish for a long time.

Please do accept, as always, the assurances my esteemed regards.

(Signed)

SEN. (DR.) BARNABAS A. I. GEMADE OFR, FNSE

(Nom Jyange u Tiv)

(b) **Ad Hoc Committees:**

The Senate President mandated the underlisted Ad hoc Committees to submit their Reports within one (1) week.

S/No	Ad hoc Committee	Chairman	Date Constituted
1.	Ad-Hoc Committee on State of Humanitarian Relief Efforts in the North East	Senator David Umaru	24/01/17
2.	Ad-Hoc Committee on National Health Insurance Scheme (NHIS)	Senator Ahmad Lawan	21/03/17
3.	Ad-Hoc Committee on the Attempted Assassination of Senator Dino Melaye	Senator Jibrin Barau	26/04/17

4.	Delegation to Kogi State Governor on the Attempted Assassination of Senator Dino Melaye	Senator Ike Ekweremadu	26/04/17
5.	Ad-Hoc Committee to Investigate the Issue of Accommodation, Logistics, Feeding etc on Onshore & Offshore Extortion of Pilgrims by the National Hajj Commission of Nigeria	Senator Mohammed A. Aliero	20/07/17
6.	Ad-Hoc Committee to Investigate Various Allegations Levelled Against the Nigeria Police	Senator Francis Alimikhena	04/10/17
7.	Ad-Hoc Committee to Investigate Various Allegations Against the Nigerian National Petroleum Corporation (NNPC)	Senator Aliyu Wamakko	04/10/17
8.	Ad-Hoc Committee to Investigate the Re-appearance, Irregularities, Reinstatement and Promotion of Mr. Abdulrasheed A. Maina; Comprising of the Chairmen & Vice Chairmen of the Committees on Establishment & Public Service; Judiciary, Human Rights & Legal Matters; Interior; and Anti-Corruption & Financial Crimes	Senator Emmanuel Paulker	24/10/17
9.	Ad-Hoc Committee on the Arrest Episode of Tuesday, 21 st November, 2017 between Officers of Economic and Financial Crimes Commission (EFCC); Nigeria Intelligence Agency (NIA); and Directorate of State Services (DSS)	Senator Francis Alimikhena	23/11/17
10.	Ad-Hoc Committee on Economic Waste at the Nigeria Customs Service	Senator Dino Melaye	20/12/17
11.	Ad-Hoc Committee to Investigate the Circumstances that Led to the Destruction & Violence Against the Empowerment Programme of Senator Ahmed Salau Ogembe (Kogi Central Senatorial District)	Senator James E. Manager	08/03/18
12.	Joint Committee of Senate and House of Representatives to Investigate the Incident of the Senate Chamber on Wednesday, 18 th April, 2018	Senator Bala Ibn Na'allah	26/04/18
13.	Ad-Hoc Committee on the Investigation of Amnesty International Report on the Alleged Human Right Abuse in the North East	Senator David Umaru	06/06/18
14.	Technical Committee on the Declined Assents to Bills by Mr. President, Commander-in-Chief of the Armed Forces of the Federation	Senator David Umaru	10/10/18

(c) **Acknowledgment:**

The Senate President acknowledged the presence of the following who were at the gallery to observe Senate Proceedings:

- (i) Staff and Students of ECWA Hills Christian Academy, Maitama, Abuja; and
- (ii) Staff and Students of Awesome Kids Academy, Gwarinpa, Abuja.

6. **Petition:**

Rising on Rule 41, Senator Clifford A. Odia (*Edo Central*) drew the attention of the Senate to a petition from Fredorosa Casolini Limited on behalf of Ikara Community of Ikpoba-Okha LGA of Edo State, against the Nigerian Petroleum Development Company (NPDC) Limited, over request for environmental clean-up of crude oil pollution and payment of compensation. He urged the Senate to look into the matter.

Petition laid and accordingly referred to the Committee on Ethics, Privileges and Public Petitions [Rule 41(3)] to report within two (2) weeks.

7. Matter of Urgent Public Importance:

Rising on Rules 42 and 52, Senator Ike Ekweremadu (*Enugu West*) drew the attention of the Senate to the Eastern axis railway development involving Port Harcourt, Enugu, Makurdi, Yola, Delta and Maiduguri. The Federal Government has jettisoned the initial understanding for a private partnership agreement which is unfair to the Easterners in the spirit of unity, peace, understanding and enabling business environment.

Accordingly resolves to:

mandate the Committees on Land Transport; and Local and Foreign Debts to invite the Hon. Minister of Transportation to explain the Federal Government plan for the railway development in Eastern axis from Port Harcourt-Enugu-Maiduguri.

Debate:

Proposed Resolution:

Question: That the Senate do mandate the Committees on Land Transport; and Local and Foreign Debts to invite the Hon. Minister of Transportation to explain the Federal Government plan for the railway development in Eastern axis from Port Harcourt-Enugu-Maiduguri — *Agreed to.*

Resolved:

That the Senate do mandate the Committees on Land Transport; and Local and Foreign Debts to invite the Hon. Minister of Transportation to explain the Federal Government plan for the railway development in Eastern axis from Port Harcourt-Enugu-Maiduguri (*S/Res/042/04/18*).

8. Privileges:

Rising on Rule 14, Senator Rafiu A. Ibrahim (*Kwara South*) drew the attention of the Senate to the Saturday, 17th November, 2018, bye-election into House of Representatives in Ekiti/Irepodun/Isin/Oke-Ero of Kwara State where there were harassment and intimidation of electorates by the Nigerian Police Officers. He noted that there were bye-elections in three (3) States of Federation, he wondered why Kwara State was militarized on the election date. He further alleged that a Police helicopter was sited at Omu-aran bringing currency notes that were loaded into a vehicle of the APC candidate on the election day, for the purpose of the election. He informed that the Federal Constituency saw a massive deployment of Police Officers, four (4) Directorate of State Securities (DSS) Directors from Rivers, Federal Capital Territory (FCT), Ogun and Kwara States; and men of Federal Special Anti-Robbery Squad. He urged the Senate to mandate the Committees on Independent National Electoral Commission (INEC); and National Security and Intelligence to investigate the matter.

By the leave of the Senate, the Committee on Police Affairs was mandated to investigate the matter and report accordingly.

9. Matter of Urgent Public Importance:

Rising on Rules 42 and 52, Senator Albert B. Akpan (*Akwa-Ibom North-East*) drew the attention of the Senate to the sealing of the Akwa-Ibom State House of Assembly Complex by the Nigeria Police and also the Court verdict of Federal High Court Uyo, Akwa-Ibom State which declared five (5) seats of State House of Assembly Members vacant over defection from Peoples' Democratic Party (PDP) to All Progressives Congress (APC). He stated that three (3) out of the five (5) members reconvened the House of Assembly to impeach the Honourable Speaker. He informed that today, Wednesday, 21st November, 2018, over 1,500 Policemen have been deployed to Akwa-Ibom State House of Assembly to prevent legislative activities; which is an attack on Nigerian democracy. He therefore urged the Senate to mandate its Committees on Police Affairs and Legislative Compliance to direct the Police to vacate the precinct of the Assembly.

Debate:

By the leave of the Senate, the Committee on Police Affairs was mandated to investigate the matter and report to the Senate within 48 hours.

10. Personal Explanation:

Rising on Rule 43, Senator Tijjani Y. Kaura (*Zamfara North*) drew the attention of the Senate to the persistent contributions of Zamfara State Senators opposing killings and kidnappings in the State.

He stated that the crimes are more rampant in three (3) Local Government Areas (LGAs) of his Senatorial District namely - Shinkafi, Zurmi; and Birni-Magaji where over 100 indigenes are in captivity. He further noted that the Daily Trust Newspaper of Wednesday, 21st November, 2018, which published the killing of twelve (12) Civilian Joint Task Force (CJTF) members in Shinkafi LGA was untrue, only two (2) were killed in the shoot-out.

By the leave of the Senate, the Chairman, Committee on Police Affairs was mandated to fast-track the Police Reform Bill, 2018 for passage.

11. Presentation of Bills:

- (i) School of Mines and Geological Studies Guyuk, Adamawa State (Establishment, etc.) Bill, 2018 (SB.706) — *Read the First Time.*
- (ii) Federal University of Education, Nsugbe (Establishment, etc.) Bill, 2018 (HB. 1067) — *Read the First Time.*

12. Committee on Tertiary Institutions and TETFUND:

Reports of the Committee on Tertiary Institutions and TETFUND on the following Bills:

- a. Federal University of Education Aguleri, Anambra State (Establishment, etc.) Bill, 2018 (SB.653);
- b. Federal Polytechnic, Daura (Establishment, etc.) Bill, 2018 (SB. 465);
- c. National Institute of Construction Technology and Management (Establishment, etc.) Bill, 2018 (SB. 630); and
- d. Federal Polytechnic, Ikom, Cross River State (Establishment, etc.) Bill, 2018 (SB. 672).

Presentation of Reports deferred to another Legislative Day.

13. Executive Communication:

Request for Confirmation of Mrs. Ronke Sokefun for appointment as Chairman of the Board of the Nigerian Deposit Insurance Corporation (NDIC):

Motion made: That the Senate do consider the request of Mr. President, Commander-in-Chief of the Armed Forces of the Federation on the confirmation of the nomination of Mrs. Ronke Sokefun for appointment as Chairman of the Board of the Nigerian Deposit Insurance Corporation (NDIC) (*Senate Leader*).

Question put and agreed to.

Request accordingly referred to the Committee on Banking, Insurance and Other Financial Institutions to report within two (2) weeks.

14. Executive Communication:

Request for Confirmation of Honourable Abike Dabiri-Erewa for appointment as Chairman/Chief Executive Officer of Nigerian Diaspora Commission:

Motion made: That the Senate do consider the request of Mr. President, Commander-in-Chief of the Armed Forces of the Federation on the confirmation of the nomination of Honourable Abike Dabiri-Erewa for appointment as Chairman/Chief Executive Officer of Nigerian Diaspora Commission (*Senate Leader*).

Question put and agreed to.

Request accordingly referred to the Committee on Diaspora and NGOs to report within two (2) weeks.

15. Conference Committee:

Report on the Discrimination Against Persons with Disabilities (Prohibition) Bill, 2018 (SB.22):

Motion made: That the Senate do receive and consider the Report of the Conference Committee on the Discrimination Against Persons with Disabilities (Prohibition) Bill, 2018 (*Senator Kabir G. Marafa — Zamfara Central*).

Question put and agreed to.

Report Laid and presented.

PROVISIONS OF THE BILL	CONFERENCE COMMITTEE RECOMMENDATIONS
38(m) enforcement of compliance of public buildings codes and imposing necessary sanctions and make appropriate orders;	38(m) in collaboration with other relevant government agencies and professional bodies in the building industry to enforce compliance of public building code and imposing necessary sanctions and make appropriate orders.
Funds of the Commission 45(1) The Commission shall establish and maintain a fund herein referred to as a Fund in to which money accruable to the Commission shall be paid and from which all the activities of the Commission shall be funded. (2) The Fund of the Commission shall be disbursed accordingly to the approved formula. (3) The Council shall cause the account of the Commission to be audited quarterly and shall be externally audited once every year.	Funds of the Commission 45(1) The Commission shall establish and maintain a fund into which shall be paid and credited - (a) all subventions and budgetary allocation from the Federal Government of Nigeria; (b) such monies as may, from time to time, be granted to the Commission by anybody or institution within or outside Nigeria; (2) The Commission shall defray all expenditures incurred by it and shall include: (i) the cost of administration; (ii) the payment of salaries, fees, or other remuneration or allowances and pensions and gratuities payable to members and employees of the Commission. (iii) anything done in connection with any of its functions. (3) Retained

Report accordingly adopted.

16. Nuclear Safety and Radiation Protection Act No. 19 of 1995 (Repeal and Re-enactment) Bill, 2018 (SB.695):

Consideration of Bill deferred to another Legislative Day.

17. Federal University Uga (Establishment, etc.) Bill, 2018 (SB.522):

Consideration of Bill deferred to another Legislative Day.

18. Federal Colleges of Education Act 1986 (Repeal and Re-enactment) Bill, 2018 (SB.562):

Consideration of Bill deferred to another Legislative Day.

19. **Federal University of Aquatic Studies, Ogbaru, Anambra State (Establishment, etc.) Bill, 2018 (SB.670):**

Consideration of Bill deferred to another Legislative Day.

20. **National Commission for Colleges of Education Act (No. 3) of 1989 (Repeal and Re-enactment) Bill, 2018 (SB.561):**

Consideration of Bill deferred to another Legislative Day.

21. **Advertising Practitioner's (Registration, etc) Act (Repeal and Re-Enactment) Bill, 2018 (SB.463):**

Consideration of Bill deferred to another Legislative Day.

22. **Federal University of Agriculture Dambatta, Kano State (Establishment, etc.) Bill, 2018 (SB.704):**

Consideration of Bill deferred to another Legislative Day.

23. **Committee on Establishment and Public Service:
Report on the Counselling Practitioners Council of Nigeria (Establishment, etc.) Bill, 2018 (SB.636):**

Consideration of Report deferred to another Legislative Day.

24. **Committee on Ethics, Privileges and Public Petitions:**

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;
- d. Ndu A. Nnanna, against the National Population Commission (NPC) for denying him appointment to the post of Director, Administration and Human Resource Management or Secretary to the Commission;
- e. O. J. Omoke, against the Nigerian Defence Academy (NDA) for alleged wrongful withdrawal from the Academy;
- f. Prof. Emmanuel Ume Lekwa Imaga, against the University of Nigeria, Nsukka (UNN) for his wrongful dismissal from the Service of the University for alleged gross misconduct;
- g. Mr. Ominiabohs Odiri Austin, against the Nigerian National Petroleum Corporation (NNPC) for alleged wrongful dismissal from the Service of the Corporation.

Consideration of Reports deferred to another Legislative Day.

25. Committee on Judiciary, Human Rights and Legal Matters:***Report on the Firearms Act (Amendment) Bill, 2018 (SB. 489)***

Motion made: That the Senate do consider the Report of the Committee on Judiciary, Human Rights and Legal Matters on the Firearms Act (Amendment) Bill, 2018 (*Senator David Umaru — Niger East*).

Question put and agreed to.

Report Laid and presented.

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

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO AMEND THE FIREARMS ACT, CAP F28, LAWS OF THE FEDERATION OF NIGERIA, 2004 TO PROVIDE FOR INCREASE OF FINE AND PROVIDE FOR DESTRUCTION OF FIREARMS ILLEGALLY IMPORTED INTO THE COUNTRY OR IN POSSESSION OF INDIVIDUALS WITHOUT VALID LICENCE AND FOR OTHER MATTERS CONNECTED THEREWITH 2018.

Debate:

Further consideration of Report deferred to the next 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 Judiciary, Human Rights & Legal Matters on the Firearms Act, Cap F28, Laws of the Federation of Nigeria 2004 Bill, 2018 and deferred consideration of the Report to the next legislative day.

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

26. Committee on Judiciary, Human Rights and Legal Matters:***Report on the Nigerian Law Reform Commission Act (Amendment) Bill, 2018 (SB. 26)***

Motion made: That the Senate do consider the Report of the Committee on Judiciary, Human Rights and Legal Matters on the Nigerian Law Reform Commission Act (Amendment) Bill, 2018 (*Senator David Umaru — Niger East*).

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 AMEND THE NIGERIAN LAW REFORM COMMISSION ACT CAP. N118 LAWS OF THE FEDERATION OF NIGERIA 2004 TO REMOVE THE BOTTLE-NECK TO THE COMMISSION'S REFORM INITIATIVE TO ENSURE ITS AUTONOMY AND BRING THE ACT IN CONFORMITY WITH THE PROVISIONS OF 1999 CONSTITUTION (AS AMENDED) AND FOR OTHER MATTERS CONNECTED THEREWITH.

Clause 1: Establishment of the Commission.

- (1) There is hereby established a Commission to be known as the Nigerian Law Reform Commission (in this Act referred to as "the Commission").
- (2) The Commission shall be a body corporate with perpetual succession and a common seal and may hold, acquire and dispose of any property or interest in property, movable and immovable.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator David Umaru– Niger East*) – Agreed to.

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

Clause 2: Appointment, Qualifications and Tenure of Office of Members, Etc.

- (1) (a) The members of the Commission shall be appointed by the President and shall consist of four full-time Commissioners, one of whom shall be designated as the Chairman, subject to confirmation of such appointment by the Senate.
- (b) The Chairman shall be the Chief Executive and accounting officer of the Commission.
- (2) The persons appointed to be full-time Commissioners under subsection (1) of this section shall (except as already provided therein) be persons appearing to the Senate to be suitably qualified –
 - (a) by holding of a high judicial office;
 - (b) by experience as a legal practitioner of not less than fifteen years standing; or
 - (c) by being an eminent scholar in law.
- (3) A person who holds high judicial office may be appointed as a Commissioner without relinquishing that office, but shall not (unless otherwise provided by the terms of his appointment) be required to perform his duties as the holder of that office while he remains a member of the Commission and such appointment shall not affect the tenure of that judicial office or the rank, title, status, precedence and (except where this is less than as prescribed in subsection (6) of this section) salary or allowances or other rights and privileges as the holder of that judicial office and, accordingly, the service as a member of the Commission shall be taken to be service as the holder of that judicial office.
- (4) Subject to subsection (5) of this section, a person appointed as a Commissioner shall hold office for five years and shall be eligible for reappointment for one further period of five years.

- (5) Subject to the provisions of subsection (4) of this section, a person holding the office to which this section applies may only be removed from that office by the President acting on the address supported by two-thirds majority of the Senate praying that he or she may be so removed for inability to discharge the functions of the office whether arising from infirmity of mind or body or any other cause or for misconduct.
- (6) There shall be paid to every Commissioner such salaries and allowances as the President may, from time to time, direct:

Provided that the salary and allowances of the Chairman shall not be less than such as are paid to a Justice of the Supreme Court of Nigeria.
- (7) Except in the case of persons holding high judicial office, the Chairman and the full-time Commissioners shall not while holding office as Commissioners hold any other offices of emolument either in the public service or in any other service whatsoever.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senator David Umaru – Niger East*) – *Agreed to.*

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

Clause 3: Proceedings.

- (1) The Commission shall have power to regulate its proceedings and may make standing orders for the purpose and, subject to any such standing orders and to subsection (2) of this section, may function notwithstanding-
 - (a) any vacancy in its membership or the absence of any member;
 - (b) any defect in the appointment of a member; or
 - (c) that a person not entitled to do so took part in its proceedings.
- (2) The quorum at any meeting of the Commission shall be three Commissioners.
- (3) Where standing orders made under subsection (1) of this section provide for the Commission to co-opt persons who are not members of the Commission, such persons may attend meetings of the Commission and advise it on any matter referred to them by the Commission but shall not count towards a quorum and shall not be entitled to vote at any meeting of the Commission.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senator David Umaru – Niger East*) – *Agreed to.*

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

Clause 4: Committees.

- (1) Subject to its standing orders, the Commission may appoint such number of standing and ad hoc committees as it thinks fit to consider and report on any matter with which the Commission is concerned.

- (2) Every committee set up under this section shall be presided over by a member of the Commission and shall be made up of such number of other persons (who need not be members of the Commission) as the Commission may determine in each case.
- (3) The quorum of any committee set up by the Commission shall be as may be determined by the Commission.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senator David Umaru – Niger East*) – *Agreed to.*

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

Clause 5: Functions of the Commission.

- (1) Subject to the following provisions of this section, it shall be the duty of the Commission generally to research, take and keep under review all Federal laws with a view to their systematic and progressive development and reform in consonance with the prevailing norms of Nigerian society including, in particular, the codification of such laws, the elimination of anomalies, the repeal of obsolete, spent and unnecessary enactments, the reduction in number of separate enactments, the reform of procedural laws in consonance with changes in the machinery of the administration of justice and generally the simplification and modernisation of the law.
- (2) For the purposes of subsection (1) of this section, the Commission –
 - (a) shall receive and consider any proposal for the reform of the law which may be made or referred to it by the Attorney-General of the Federation (in this Bill referred to as the “Attorney-General”) or the National Assembly;
 - (b) May prepare on its own initiative and submit to the Attorney-General and the National Assembly, from time to time, programme for the examination of different branches of the law with a view to reform.
 - (c) shall undertake, pursuant to any recommendation approved by the “Attorney-General” or the National Assembly the examination of particular branches of the law and the formulation, by means of draft legislation or otherwise, of proposal for reform therein.
 - (d) shall prepare, from time to time, at the request of the Attorney-General or the National Assembly, comprehensive programmes of consolidation and statute law revision and undertake, the preparation of draft legislation pursuant to any such programme approved by the Attorney-General or the National Assembly.
 - (e) may provide advice and information to Federal Government departments and other authorities or bodies concerned, at the instance of the Federal Government, with proposals for the reform or amendment of any branch of the law.
 - (f) may provide training on law reform and other related matters for a fee.
- (3) The Attorney-General or the National Assembly may-
 - (a) modify the terms of a reference; and

- (b) give directions to the Commission as to the order in which it is to deal with references.
- (4) Every Federal Ministry, Department or Agency shall notify and may collaborate with the Commission in its law reform exercises.
- (5) For the purpose of the efficient performance of its functions under this Bill, the Commission shall –
 - (a) engage in research into any branch of law or related subject; and
 - (b) where appropriate obtain such information as to the legal systems of other countries.
- (6) The Commission may conduct such seminars and, where appropriate, hold such public sittings concerning any programme for law reform as it may consider necessary from time to time and may carry out public enlightenment programmes on law reform activities.
- (7)
 - (a) where the Attorney-General refers or approves a programme to the Commission, the Attorney-General shall lay before the Federal Executive Council any report prepared by the Commission pursuant to such programme, and after expiration of 3 months from the date of submission of the Commission's report to the Attorney-General, the Commission shall forward same to the National Assembly.
 - (b) where any authority, body or person refers a programme to the Commission, the Commission shall forward to that authority, body or person any report of proposals for reform formulated by the Commission pursuant to such programme.
- (8) Notwithstanding the foregoing provisions, the Commission shall be autonomous in its day-to-day operations.
- (9) For the purposes of subsection (1) of this section "Federal laws" means all laws within the legislative competence of the Government of the Federation and includes all received laws and rules of law in force in the Federation and having effect as if enacted by the Federal legislature and all procedural laws and all subsidiary instruments made under or pursuant to any such law.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senator David Umaru – Niger East*) – *Agreed to.*

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

Clause 6: Interim Reports.

Where the Attorney-General or the National Assembly has referred a matter to the Commission –

- (a) The Commission may, at any time before making its report in pursuance of the reference, make an interim report on its work under such reference; and
- (b) The Attorney General or the National Assembly may, at any time before the commission makes it report in pursuance of the references, direct the Commission to make an interim report on its work under such reference.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senator David Umaru – Niger East*) – *Agreed to.*

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

Clause 7: References by States.

- (1) Notwithstanding section 5 (1) of this Bill, the Commission shall have powers to consider proposal for reform of State laws from any state, group of states or all the states in the Federation and submit report thereon to the appropriate Attorney-General or Attorneys-General and the State House of Assembly or the States Houses of Assembly.
- (2) The Commission may from time to time, whether pursuant to subsection (1) of this section or on its own initiative, consider or put forward proposal for the consideration of the States' Attorneys-General and the States' Houses of Assembly, or such number of them as may be appropriate in the circumstances, for uniformity between laws of the States or, as the case may require, the groups of State concerned.
- (3) The expenses involved in any references pursuant to subsection (1) of this section shall be borne by the Governments of the State concerned or, as the case may be, the Governments of the States concerned.
- (4) The provisions of sections 5 and 6 of this Bill shall apply with all necessary modifications to any reference made under this section, and accordingly, reference therein to the Attorney-General of a State or the State House of Assembly or reference to the President shall be read as if they were references to Governor of a State.
- (5) In this section, "State laws" includes any law which is not a Federal law as defined in section 5 (9) of this Bill.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senator David Umaru – Niger East*) – *Agreed to.*

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

Clause 8: Staff and Financial Provisions Secretary and Other Staff of the Commission.

- (1)
 - (a) be a legal practitioner of not less than 15 years post call cognate experience and of proven integrity.
 - (b) hold office –
 - (i) for a period of five years in the first instance and may be re-appointed for one further period of five years and no more; and
 - (ii) on such terms and conditions as may be specified in his letter of appointment;
 - (c) assist the Chairman in ensuring that all the rules and regulations relating to the management of the human, material and financial resources of the Commission are adhered to in accordance with the objectives of the Federal Government; and

- (d) carry out such other duties as may be directed, from time to time, by the Commission.
- (2) The Commission may appoint such number of other persons to be employees of the Commission as it may deem fit.
- (3) The remuneration of the employees of the Commission shall be determined by the Commission after consultation with the Salaries and Wages Commission.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senator David Umaru – Niger East*) – *Agreed to.*

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

Clause 9: Service in the Commission to be Pensionable, Etc.

- (1) Subject to subsection (3) of this section, persons employed in the Commission shall in respect of their service in the Commission be entitled to pensions, gratuities and other retirement benefits as prescribed under the Pensions Act in respect of persons holding equivalent posts; and accordingly, notwithstanding the provisions of the Pensions Act, it is hereby declared that service in the Commission shall be approved service for the purposes of that Act.
- (2) It is hereby declared for the avoidance of doubt that references in this section to persons employed in the Commission do not include references to full-time Commissioners holding high judicial office in respect of whom other provisions relating to pensions, gratuities and other retirement benefits are in force.
- (3) Nothing in this section shall prevent the appointment of a person to any office in the Commission on terms and conditions which preclude the grant of a pension or gratuity in respect of service in that office.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senator David Umaru – Niger East*) – *Agreed to.*

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

Clause 10: Establishment of Fund by the Commission.

- (1) The Commission shall establish and maintain a Fund which shall be applied towards the discharge of its functions under this Bill.
- (2) There shall be paid and credited to the Fund so established pursuant to subsection (1) of this section –
 - (a) Such sums as may be provided by the Government of the Federation for the Commission;
 - (b) Any fees or money charged for services rendered by the Commission or for its publications;
 - (c) Donations from the Federal Capital Territory, States, Local Government, Public Agencies, Companies and Individuals;

- (d) All other sums accruing to the Commission by way of gifts, testamentary depositions, endowments and contributions from philanthropic persons and organisation or otherwise however.
- (3) The Commission shall defray from the fund established pursuant to subsection (1) of this section all the amounts payable under or in pursuance of this Bill being sums representing-
 - (a) amounts payable to the Chairman and other members of the Commission (including allowances);
 - (b) costs of employment of staff of the Commission;
 - (c) amounts payable as pensions, gratuities and other retirement benefits under or pursuant to this Bill or any other enactment;
 - (d) costs of acquisition and upkeep of premises belonging to the Commission and any other capital expenditure of the Commission;
 - (e) any other payment for anything incidental to the foregoing provisions or in connection with or incidental to any other function of the Commission under or pursuant to this Bill.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senator David Umaru – Niger East*) – *Agreed to.*

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

Clause 11: Power to Accept Gifts.

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

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senator David Umaru – Niger East*) – *Agreed to.*

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

Clause 12: Accounts and Audit.

- (1) The Commission shall in each financial year prepare estimates of each recurrent and capital expenditure and when approved by the Commission, the estimates shall be forwarded to the National Assembly for approval.
- (2) The Commission shall keep proper accounts and proper records in relation thereto.
- (3) The accounts of the Commission shall be audited by an auditor appointed annually from the list of auditors and in accordance with the guidelines supplied by the Auditor-General for the Federation on such terms as the Commission may, with the approval of the Minister of Finance determine.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senator David Umaru – Niger East*) – *Agreed to.*

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

Clause 13: Annual Report.

- (1) In addition to any other report prescribed under this Bill, the Commission shall prepare and submit to the President through the Attorney-General and to the National Assembly, not later than the 30th of June in each financial year, a report on the activities of the Commission during the immediate preceding year, and shall include in such report a copy of the audited accounts of the Commission for that year and the Auditor's report thereon.
- (2) The Commission may, from time to time, publish general reports on its activities for sale to members of the public.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senator David Umaru – Niger East*) – *Agreed to.*

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

Clause 14: Regulations.

The Commission may make regulations generally for the purposes of carrying out or giving full effect to the provisions of this Bill.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senator David Umaru – Niger East*) – *Agreed to.*

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

Clause 15: Savings, Repeal, Etc.

- (1) The Nigerian Law Reform Commission Act Cap. N118 Laws of the Federation of Nigeria, 2004 is repealed.
- (2) The repeal of the Act specified in subsection (1) of this section, shall not affect anything done under or pursuant to the Bill.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senator David Umaru – Niger East*) – *Agreed to.*

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

Clause 16: Interpretation.

In this Bill:

"Chairman" means the Chairman of the Commission;

"Commission" means the Nigerian Law Reform Commission established under section 1 of this Bill;

"high judicial office" means any judicial office not below the rank of Justice of the Court of Appeal;

"member" means any member of the Commission and includes the chairman;

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senator David Umaru – Niger East*) – *Agreed to.*

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

Clause 17: Citation.

This Bill may be cited as the Nigerian Law Reform Commission Act (Repeal and Re-Enactment) Bill, 2018.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senator David Umaru – Niger East*) – *Agreed to.*

Question that Clause 17 do stand part of the Bill, put and 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 Judiciary, Human Rights and Legal Matters on the Nigerian Law Reform Commission Act (Amendment) Bill, 2018 and approved as follows:

Clauses 1-17 — 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.

27. Adjournment:

Motion made: That the Senate do now adjourn till Thursday, 22nd November, 2018 at 10:00 a.m. (*Senate Leader*).

Adjourned accordingly at 1:18 p.m.

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