



THE SENATE

FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Thursday, 20th December, 2018

1. The Senate met at 11:08 a.m. The Senate President read Prayers.

2. **Closed Session:**

Closed Session — 11:11 a.m.

Open Session — 11:25 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 Wednesday, 19th December, 2018.

Question was put and the Votes and Proceedings were approved.

4. **Announcements:**

(a) **Committee Chairmanship:**

The Senate President named the following: Senator Yahaya G. Lawal as Chairman, Committee on Poverty Alleviation; and Senator Danjuma Laah as Chairman, Committee on Federal Character and Inter-Governmental Affairs.

(b) **Conference Committee:**

The Senate President named the following Senators as Conferees on Adeyemi Federal University of Education, Akure, Ondo State (Establishment, etc.) Bill, 2018:

(i)	Senator Jibrin I. Barau	—	Chairman
(ii)	Senator Yele O. Omogunwa	—	Member
(iii)	Senator Samuel O. Egwu	—	Member
(iv)	Senator Clifford A. Odia	—	Member
(v)	Senator Emmanuel Bwacha	—	Member
(vi)	Senator Tijjani Y. Kaura	—	Member

5. **Rescission of Senate Resolution:**

Motion made: Rising on Rules 52 and 53(6) Senator Francis A. Alimikhena — (*Edo North*), drew the attention the Senate Resolution on the Promissory Notes Programme: and Bond Issuance to settle inherited local debts and contractual obligation on refund to State (Taraba State);

notes that the Promissory Notes Programme and Bond Issuance to settle inherited local Debts and contractual obligation on refund to Taraba State Government was approved by the Senate on Wednesday, 5th December, 2018;

notes that Taraba State was among the States that benefitted from the approved payment of outstanding claims of ₦34,315,325,396.96. This approval is different from the House approval of ₦22,254,062,330.08; and

observes that the increase was as a result of additional road project executed by Taraba State Government on behalf of the Federal Government submitted to the Senate Committee, which was not captured in their submission to the House.

Accordingly resolves to:

rescind its earlier Resolution of the payment of outstanding claims of ₦34,315,325,396.96 to Taraba State Government and Approve the Sum of ₦22,254,062,330.08 instead thereof.

Debate:

Proposed Resolution:

Question: That the Senate do rescind its earlier Resolution of the payment of outstanding claims of ₦34,315,325,396.96 to Taraba State Government and Approve the Sum of ₦22,254,062,330.08 instead thereof — *Agreed to.*

Resolved:

That the Senate do rescind its earlier Resolution of the payment of outstanding claims of ₦34,315,325,396.96 to Taraba State Government and Approve the Sum of ₦22,254,062,330.08 instead thereof (*S/Res/055/04/18*).

6. Presentation of a Bill:

Petroleum Technology Development Fund Act (Amendment) Bill, 2018 (SB. 717) — *Read the First Time.*

7. Conference Committee:

Report on the Agency for National Ethics and Values (Establishment, etc.) Bill, 2018 (HB. 519):

Motion made: That the Senate do receive the Conference Committee Report on the Agency for National Ethics and Values (Establishment, etc.) Bill, 2018 (*Senator Suleiman A. Adokwe — Nasarawa South*).

Question put and agreed to.

Report Laid.

8. Motion:

The Demise of Alex Badeh, Chief of Defence Staff (Rtd) (10th January, 1957 -18th December, 2018):

Motion made: That the Senate notes with grief the demise of Alex Badeh the former Chief of Defence Staff on Tuesday, 18th December, 2018;

notes also that late Alex Badeh was born in Vimtim, a little town in the Mubi Local Government Area of Adamawa State, North Eastern Nigeria into a family of peasant farmers. He attended Vimtim Primary School, Vimtim and obtained his school certificate from Villanova Secondary School in 1976 before proceeding to the Nigerian Defence Academy;

notes further that late Badeh was admitted into the Nigerian Defence Academy as a member of the 21 Regular Course on 3rd January, 1977, and was commissioned a Pilot Officer on 3rd July, 1979. He commenced his flying career at the 301 Flying Training School on the Bulldog Primary Trainer Aircraft in 1979;

observes that between 1981 and 1982, he attended the Undergraduate Pilot Training at Vance Air Force Base of the United States Air Force. He was at the 301 Flying Training School (FTS) as a squadron pilot and later became an instructor pilot on the Bull Dog and DO-228 aircraft;

observes also that he attended the junior staff course at Armed Forces Command and Staff College in 1988. Between 1995 and 1996 he attended the Senior Staff Course at same institution and in 2005 he was at the National War College Nigeria as a member of Course 14 and graduated in August, 2006 and later obtained M.Sc. Degree in Strategic Studies from the University of Ibadan;

notes that the late Air Chief Marshal Badeh (Rtd) was promoted to Air Vice Marshal on 3rd January, 2008. Between 2008 and 2009, he was on the Directing Staff at the National Defence College, Abuja, Nigeria and subsequently became the Director National Military Strategy at the same college. Thereafter, he moved to Defence Headquarters as Deputy Director Training and later became the Director of Research at the Defence Headquarters. From October, 2010 to March, 2012, Air Marshal Badeh moved to Headquarters, Nigerian Air Force as Chief of Policy and Plans. Subsequently, in March, 2012, he was appointed Air Officer Commanding Training Command, Kaduna. On 4th October, 2012, he attended Safety International Institute at Teterboro in New York for a course in Simulator Recurrence, which deepened his knowledge on Air Safety Operations;

aware that the late Alex Badeh was Commander of the Presidential Fleet, during the Olusegun Obasanjo Presidency. The Presidential Fleet Crew flew around the world frequently and by 2002, Badeh logged over 6000 flying hours shuttling VIPs, dignitaries, top government officials and Heads of State;

aware also that he was given the green light to fly former United States Presidents Bill Clinton and Jimmy Carter on different occasions after an extensive check was done by the United States Secret Service;

notes that the late Badeh's professional dexterity on duty earned him a commendation and an autographed pen from Kofi Anan the then UN Secretary General after flying him on an official trip;

notes also that as Chief of Air Staff late Alex Badeh initiated Optimizing Local Engineering (OLE 1 and 2) to focus on developing indigenous Unarmed Aerial Vehicle (UAV) and other weapon systems. The OLE teams consisted of Nigerian Air Force officers with PhDs and master's degrees in various fields of aerospace design, avionic and armament specializations from the Cranfield University in the UK;

notes further that OLE 1 and 2 resulted in the production of the AMEBO project (aka GULMA 1 UAV) which allowed the Air Force to survey and carry out attacks remotely without putting the lives of pilots at risk and this was the first locally produced drone in Nigeria. Badeh ensured UAV pilots were trained locally to promote local content and save the nation huge resources which would have otherwise been spent conducting the same training abroad. The Nigerian trained UAV pilots have been resourceful in the ongoing war against terror in the North East of Nigeria;

aware that he encouraged aggressive R&D programs in all NAF units, which led to the first NAF R&D exhibition in Abuja drawing participants from Nigerian universities and research institutes. NAF subsequently signed MOUs with some of the institutions to offer impetus to NAF's R&D efforts. Some of the Universities are University of Benin, University of Ibadan, University of Lagos, Covenant University, Ota; Federal University of Technology, Minna; Obafemi Awolowo University, Ile-Ife, Ahmadu Bello University, Zaria and Yaba College of Technology. The research institutes are the National Agency for Science and Engineering Infrastructure, National Space Development Research Agency and the Defence Industries Corporation;

aware also that Badeh's sustained research and development programs ushered new methods of tackling maintenance issues one of which is the successful completion of the first in-country Periodic Depot Maintenance (PDM) on the C-130H aircraft NAF913 and similar exercises for on the 2xG-222 aircraft in Lagos. His period as Chief of Air Staff also witnessed the local design and production of the hydraulic diaphragm of the Mi-35P attack helicopter while the EOS camera on board the Agusta 109 LUH helicopter was repaired and successfully re-installed;

aware further that while serving as Chief of Air Staff, Badeh initiated and completed some key projects including the NAF hangar in Yola Airport, linking roads from the hangar to the runway, weapons storage facility, crew room for pilots and technicians, accommodation for officers and men, Air Force comprehensive school, Yola, development of infrastructure at 75 Strike Group Yola, air craft shelters, worship centers, 80 room student hostel at the Air Force Institute of Technology Kaduna and other notable projects;

notes that during this period the Air Force launched a partnership with Nigerian Maritime Administration and Safety Agency (NIMASA) to curtail illegal maritime activities by providing aerial security support for the agency and the operation was hugely successful. Badeh also partnered with the Nigerian Emergency Management Agency (NEMA) to supply relief materials, free medical services and even in some cases evacuation missions. As Chief of Air Staff, Badeh ensured all personnel who had kids in the Air Force primary and secondary schools got free tuition;

notes that as Chief of Defence Staff from April 2014 to July 2015 Badeh initiated and constructed the Defence Headquarters (DHQ) extension complex fitted with a befitting joint operations room, conference hall, the office spaces and Penthouse to receive guests;

notes also that during the military operations against terror in North Eastern Nigeria, there was a need to feed the public with accurate and timely news therefore Badeh established the Armed Forces Radio broadcasting from Mogadishu Cantonment broadcasting on 107.7 FM to tackle the challenge of negative media coverage against the Nigerian Military. The radio station enabled the Nigerian military to tell its side of events, on the subjects of security orientation and information;

notes further that the late Alex Badeh attracted other projects in his role as Chief of Defence Staff such as; the Armed Forces DNA Laboratory, which has allowed for easy identification of casualties of war, the Defence Space Agency, commissioning of 30 Gun Boats in the Niger Delta region, amongst others;

notes that Air Chief Marshal Badeh retired in July 2015. In line with Military tradition a Pulling-Out parade was held at the Mogadishu Cantonment, Abuja where Air Chief Marshal Badeh gave his valedictory speech before proceeding to his home state; and

saddened that the late Chief of Defence Staff died from gunshot wounds sustained when his vehicle was attacked while returning from his farm alongside his driver while one of his personal staff is still held hostage by the assailants.

Accordingly resolves to:

- (i) observe one minute silence in honour of the late Air Chief Marshal Badeh (Rtd);
- (ii) urge the Federal Government to investigate the circumstances surrounding his assassination; and
- (iii) urge the Security Agencies to search and rescue his personal staff held hostage by the assailants (*Senator Binta Masi Garba — Adamawa North*).

Debate:

Proposed Resolution (i):

Question: That the Senate do observe one minute silence in honour of the late Air Chief Marshal Badeh (Rtd) — *Agreed to.*

Proposed Resolution (ii):

Question: That the Senate do urge the Federal Government to investigate the circumstances surrounding his assassination — *Agreed to.*

Proposed Resolution (iii):

Question: That the Senate do urge the Security Agencies to search and rescue his personal staff held hostage by the assailants — *Agreed to.*

Resolved:

That the Senate do:

- (i) observe one minute silence in honour of the late Air Chief Marshal Badeh (Rtd);
- (ii) urge the Federal Government to investigate the circumstances surrounding his assassination; and
- (iii) urge the Security Agencies to search and rescue his personal staff held hostage by the assailants (S/Res/056/04/18).

One minute silence accordingly observed in honour of the deceased.

9. Committee on Anti-Corruption and Financial Crimes:**Report on the Screening for Confirmation of Appointments:**

Motion made: That the Senate do consider the Report of the Committee on Anti-Corruption and Financial Crimes on the screening of nominees for confirmation as Chairman and Members of the Independent Corrupt Practices and Other Related Offences Commission (ICPC):

S/N	Names	Designation	State of Origin	Geo-Political Zone
(i)	Prof. Bolaji Owasanoye	Chairman	Ondo	South-West
(ii)	Dr. Grace N. Chinda	Member	Delta	South-South
(iii)	Okolo Titus M.	Member	Enugu	South-East
(iv)	Barr. Obiora Igweibia	Member	Anambra	South-East
(v)	Mrs. Olubukola Balogun	Member	Lagos	South-West
(vi)	Justice Adamu Bello	Member	Katsina	North-West
(vii)	Hannatu Muhammed	Member	Jigawa	North-West
(viii)	Abdullahi Maikano Saidu	Member	Niger	North-Central
(ix)	Yahaya Umar Dauda	Member	Nasarawa	North-Central

(Senator Chukwuka G. Utazi — Enugu 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 the Report of the Committee on Anti-Corruption and Financial Crimes on the screening of nominees for confirmation as Chairman and Members of the Independent Corrupt Practices and Other Related Offences Commission (ICPC).

Nominees recommended for confirmation:

(i)	Prof. Bolaji Owasanoye (<i>Chairman</i>) (<i>Ondo</i>) (<i>South-West</i>)	—	<i>Agreed to.</i>
(ii)	Dr. Grace N. Chinda (<i>Member</i>) (<i>Delta</i>) (<i>South-South</i>)	—	<i>Agreed to.</i>
(iii)	Okolo Titus M. (<i>Member</i>) (<i>Enugu</i>) (<i>South-East</i>)	—	<i>Agreed to.</i>
(iv)	Barr. Obiora Igwedebia (<i>Member</i>) (<i>Anambra</i>) (<i>South-East</i>)	—	<i>Agreed to.</i>
(v)	Mrs. Olubukola Balogun (<i>Member</i>) (<i>Lagos</i>) (<i>South-West</i>)	—	<i>Agreed to.</i>
(vi)	Justice Adamu Bello (<i>Member</i>) (<i>Katsina</i>) (<i>North-West</i>)	—	<i>Agreed to.</i>
(vii)	Hannatu Muhammed (<i>Member</i>) (<i>Jigawa</i>) (<i>North-West</i>)	—	<i>Agreed to.</i>
(viii)	Abdullahi Maikano Saidu (<i>Member</i>) (<i>Niger</i>) (<i>North-Central</i>)	—	<i>Agreed to.</i>
(ix)	Yahaya Umar Dauda (<i>Member</i>) (<i>Nasarawa</i>) (<i>North-Central</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 Anti-Corruption and Financial Crimes on the screening of nominees for confirmation as Chairman and Members of the Independent Corrupt Practices and Other Related Offences Commission (ICPC) 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 Prof. Bolaji Owasanoye (*Chairman*) (*Ondo*) (*South-West*) for Appointment as Chairman for Independent Corrupt Practices and Other Related Offences Commission?” — *Resolved in the Affirmative.*

Nomination of Prof. Bolaji Owasanoye (Chairman) (Ondo) (South-West) for Appointment as Chairman for Independent Corrupt Practices and Other Related Offences Commission accordingly confirmed.

Question:

“Will the Senate confirm the nomination of Dr. Grace N. Chinda (*Member*) (*Delta*) (*South-South*) for Appointment as Member for Independent Corrupt Practices and Other Related Offences Commission?” — *Resolved in the Affirmative.*

Nomination of Dr. Grace N. Chinda (Member) (Delta) (South-South) for Appointment as Member for Independent Corrupt Practices and Other Related Offences Commission accordingly confirmed.

Question:

“Will the Senate confirm the nomination of Okolo Titus M. (*Member*) (*Enugu*) (*South-East*) for Appointment as Member for Independent Corrupt Practices and Other Related Offences Commission?” — *Resolved in the Affirmative.*

Nomination of Okolo Titus M. (Member) (Enugu) (South-East) for Appointment as Member for Independent Corrupt Practices and Other Related Offences Commission accordingly confirmed.

Question:

“Will the Senate confirm the nomination of Barr. Obiora Igwedebia (*Member*) (*Anambra*) (*South-East*) for Appointment as Member for Independent Corrupt Practices and Other Related Offences Commission?” — *Resolved in the Affirmative.*

Nomination of Barr. Obiora Igwedebia (Member) (Anambra) (South-East) for Appointment as Member for Independent Corrupt Practices and Other Related Offences Commission accordingly confirmed.

Question:

“Will the Senate confirm the nomination of Mrs. Olubukola Balogun (*Member*) (*Lagos*) (*South-West*) for Appointment as Member for Independent Corrupt Practices and Other Related Offences Commission?” — *Resolved in the Affirmative.*

Nomination of Mrs. Olubukola Balogun (Member) (Lagos) (South-West) for Appointment as Member for Independent Corrupt Practices and Other Related Offences Commission accordingly confirmed.

Question:

“Will the Senate confirm the nomination of Justice Adamu Bello (*Member*) (*Katsina*) (*North-West*) for Appointment as Member for Independent Corrupt Practices and Other Related Offences Commission?” — *Resolved in the Affirmative.*

Nomination of Justice Adamu Bello (Member) (Katsina) (North-West) for Appointment as Member for Independent Corrupt Practices and Other Related Offences Commission accordingly confirmed.

Question:

“Will the Senate confirm the nomination of Hannatu Muhammed (*Member*) (*Jigawa*) (*North-West*) for Appointment as Member for Independent Corrupt Practices and Other Related Offences Commission?” — *Resolved in the Affirmative.*

Nomination of Hannatu Muhammed (Member) (Jigawa) (North-West) for Appointment as Member for Independent Corrupt Practices and Other Related Offences Commission accordingly confirmed.

Question:

“Will the Senate confirm the nomination of Abdullahi Maikano Saidu (*Member*) (*Niger*) (*North-Central*) for Appointment as Member for Independent Corrupt Practices and Other Related Offences Commission?” — *Resolved in the Affirmative.*

Nomination of Abdullahi Maikano Saidu (Member) (Niger) (North-Central) for Appointment as Member for Independent Corrupt Practices and Other Related Offences Commission accordingly confirmed.

Question:

“Will the Senate confirm the nomination of Yahaya Umar Dauda (*Member*) (*Nasarawa*) (*North-Central*) for Appointment as Member for Independent Corrupt Practices and Other Related Offences Commission?” — *Resolved in the Affirmative.*

Nomination of Yahaya Umar Dauda (Member) (Nasarawa) (North-Central) for Appointment as Member for Independent Corrupt Practices and Other Related Offences Commission accordingly confirmed.

10. Committee on Judiciary, Human Rights and Legal Matters:

Report on the Screening of the Nomination of Hon. Justice Uwani Musa Abba Aji, JCA:

Motion made: That the Senate do consider the Report of the Committee on Judiciary, Human Rights and Legal Matters on the screening of the nomination of Hon. Justice Uwani Musa Abba Aji, JCA for Appointment as Justice of the Supreme Court of Nigeria (*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 the Report of the Committee on Judiciary, Human Rights and Legal Matters on the screening of the nomination of Hon. Justice Uwani Musa Abba Aji, JCA for Appointment as Justice of the Supreme Court of Nigeria.

Nominee recommended for confirmation:

Hon. Justice Uwani Musa Abba Aji, JCA

—

Agreed to.

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 and Legal Matters on the screening of the nomination of Hon. Justice Uwani Musa Abba Aji, JCA for Appointment as Justice of the Supreme Court of Nigeria and approved the nomination.

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

Confirmation of nomination:*Question:*

“Will the Senate confirm the nomination of Hon. Justice Uwani Musa Abba Aji, JCA for Appointment as Justice of the Supreme Court of Nigeria ?” — *Resolved in the Affirmative.*

Nomination of Hon. Justice Uwani Musa Abba Aji, JCA for Appointment as Justice of the Supreme Court of Nigeria accordingly confirmed.

11. Committee on Works:

Report on the Screening of Engr. Chidi Kennedy Izuwah as Director-General (ICRC):

Consideration of report deferred to another Legislative Day.

12. Committee on Diaspora and Non-Governmental Organizations:

Report on the Confirmation of the Nomination of Honourable Abike Dabiri-Erewa:

Consideration of report deferred to another Legislative Day.

13. Committee on Independent National Electoral Commission:

Report of the Screening of Elder Monday Udo Tom for Confirmation of Appointment as Resident Electoral Commissioner:

Consideration of report deferred to another Legislative Day.

14. Federal University of Education, Abudu Edo State (Establishment, etc.) Bill, 2018 (SB.714):

Motion made: That a Bill for an Act to provide for the establishment of the Federal University of Education, Abudu Edo State and for Other Matters Connected Therewith, 2018 be read the Second Time (*Senator Matthew A. Urhohide — Edo South*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee on Tertiary Institution and TETFUND to report within Four (4) weeks.

15. 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 resolve into the Committee of the Whole to resume consideration of the Report of the Committee on Establishment and Public Service on the Counselling Practitioners Council of Nigeria (Establishment, etc.) Bill, 2018 (*Adjourned Consideration, Tuesday, 17th July, 2018 — Clause 5*) (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)

RESUMED 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.

Clause 5: Appointment of the Registrar, Etc., and Preparation of Registers

- (1) The Council shall appoint a fit and proper person to be Registrar for the purpose of this Bill;
- (2) The Registrar:
 - (a) shall hold office for a term of four (4) years; and
 - (b) subject to satisfactory performance, be eligible for re-appointment for further term of four (4) years and no more.
- (3) The Registrar shall prepare and maintain in accordance with the rules made by the Council under this section, a register of Professional Counsellors (in this Bill referred to as "the Register").
- (4) The Register shall contain the names, addresses, approved qualifications and such other particulars as may be specified by the Council, of all persons who are entitled, in accordance with the provisions of the Bill, to be registered as Professional Counsellors and who apply in the specified manner, to be so registered.
- (5) The Register shall consist of two parts of which one shall be in respect of fully registered persons and the other in respect of provisionally registered persons.
- (6) Subject to the following provision of this section, the Council shall make rules with respect to the formal keeping of the register and the making of entries therein, and in particular:—
 - (a) regulating the making of applications for registration and providing for the evidence to be produced in support of application;
 - (b) providing for the notification to the Registrar, by the person to whom the registered particulars relate, of any change in those particulars;

- (c) authorizing a registered person to have any qualification which is registered in relation to his name in addition to or, as he may elect in substitution for any other qualification so registered, as to either a corrected edition of the register or a list of alteration made to the register since it was last printed; and
 - (d) specifying anything failing to be specified under the provisions of this section.
- (7) The Registrar shall:—
- (a) correct, in accordance with the Council's direction, any entry in the register, which the Council directs him to correct as being in the Council's entry, which was incorrectly made;
 - (b) make, from time to time, any necessary alteration to the registered particulars of registered persons;
 - (c) remove from the relevant part of the register, the name of any registered person who has died, or as the case may be, has ceased to be entitled to be registered.
- (8) If the Registrar:—
- (a) sends by post to any registered person a letter addressed to him at his address on the register enquiring whether the registered particulars relating to him are correct and receives on reply to the letter within the period of six months from the date of posting it; and
 - (b) upon the expiration of that period, sends in like manner to the person in question, a second similar letter and receives no reply to that letter within three months from the date of posting it, the Registrar may remove the particulars relating to the person in question from the relevant part of the register.
- (9) The Council may for any reason, which seems to be sufficient, direct the Registrar to restore to the appropriate part of the register any particular remove there from under this subsection.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senator Foster Ogola — Bayalsa West*) — *Agreed to.*

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

Clause 6: Publication of the Register

- (1) The Registrar shall:—
- (a) cause a list of persons whose name and qualifications are indicated in the register to be printed, published and put on sale to members of the public not later than two years from the beginning from the year in which the Bill comes into force;
 - (b) in each year after that in which a register is first published under paragraph (a) of this subsection, cause to be printed, published and put on sale as either a corrected edition of the register or a list of alterations made to the register since it was last printed; and

- (c) Cause a print of each edition of the register and of each list of correction to be deposited at the principal office of the Council, and the Council shall keep the register and list so deposited open at all reasonable times for inspection by members of the public.
- (2) A document purporting to be a print of an edition of a register published under this section by authority of the Registrar in the current year, or documents purporting to be prints of an edition of a register so published in a previous year and a list of corrections to that edition so published in the current year, shall without prejudice to any other mode of proof, be admissible in any proceeding as evidence that a person specified in the document, or the documents read together, as being fully or provisionally registered, is so registered, and that any person not so specified is not so registered.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senator Foster Ogola — Bayalsa West*) — *Agreed to.*

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

PART IV — REGISTRATION

Clause 7: Registration

- (1) Subject to the provision of this Bill and to rules made under section 6, a person shall not be entitled to be fully registered under this Bill as a Professional Counsellor, unless:—
 - (a) he has attended a course of training approved by the Council under section 9 of this Bill;
 - (b) he holds a Bachelor's Degree in Guidance and Counselling or Counselling Psychology with a minimum of two years experience in counselling practice, or a Graduate degree (Masters) in Guidance and Counselling or Counselling Psychology with a minimum of one year experience in counselling practice;
 - (c) he has passed the Professional practice competence examination conducted by the Association and moderated by the Council; and
 - (d) he is a certified member of the Association,
- (2) An Applicant for registration under this Bill shall, in addition to the evidence of qualification, satisfy the Council that:—
 - (a) he is of good character;
 - (b) he has attained the age of twenty-one years;
 - (c) he has not been convicted in Nigeria or elsewhere of an offence involving fraud or dishonesty;
- (3) A fully registered Professional Counsellor shall be entitled to a seal from the Council but any seal presented in pursuant of this subsection may be withdrawn by the Council from such a member on:—
 - (a) if he ceases to be a registered member;
 - (b) if he is convicted of an offence under this Bill;
 - (c) on disciplinary grounds; and
 - (d) if his membership of the Association ceases.

- (4) The Council may in its discretion, provisionally accept a qualification produced in respect of an application for registration under this section, or direct that the application be renewed within such period as may be specified in the direction.
- (5) The Council shall from time to time, publish in the Federal Gazette, particulars of the qualification accepted for registration under this Bill.
- (6) The Council may, impose further conditions for the purpose of any registration under this Bill but such conditions shall not come into force until published in the Federal Gazette.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senator Foster Ogola —Bayalsa West*) — *Agreed to.*

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

Clause 8: Approval of Qualifications and Training Institutions

- (1) Subject to subsection (2) of this section, the Council may approve for the purpose of section 7 of this Bill:—
 - (a) any course of training which is intended for persons who are seeking to become, or are already qualified as, Professional Counsellors;
 - (b) any institution, either in Nigeria or elsewhere which the Council on the recommendations of the Association considers properly organized and equipped for conducting the whole or any part of a course of training approved by the Council under this section;
 - (c) any qualification, which as a result of examination taken in conjunction with a course of training approved by the Council under this section, is granted to candidates reaching a standard at the examination, indicating, in the opinion of the Council that they have sufficient knowledge and skills to practice Counselling as a Profession, otherwise as a principle.
- (2) The Council shall from time to time publish in the Federal Gazette, a list of qualifications in the Profession of Professional Counsellors, approved by it and the Council shall not approve for the purposes of subsection (1), qualifications granted by an institution, unless the qualifications have been so published by the Council.
- (3) The Council, shall, on the recommendation of the Board, withdraw any approval given under this section in respect of any course, qualifications or institution, but before withdrawing such approval, the Council shall:—
 - (a) give notice that it proposes to do so to each person in Nigeria appearing to the Council to be a person by whom the course is conducted or the qualification is granted or the institution is controlled, as the case may be;
 - (b) give such a person an opportunity of making to the Council, representations with regard to the proposal in pursuance of paragraph (b) of this subsection.

- (4) As respects any period during which the approval of the Council under this section for a course, qualification or institution is withdrawn, the course qualification or institution shall not be treated as approved under this section but the withdrawal of such an approval shall not prejudice the registration or eligibility for registration of any person who by virtue of the approval was registered or eligible for registration immediately before the approval was withdrawn.
- (5) The giving or withdrawal of an approval under this section, shall have the effect from such date, either before or after the execution of the instrument signifying the giving or withdrawal of the approval, as the Council may specify in the instrument, and the Council shall:—
 - (a) as soon as possible publish a copy of every such instrument in the Federal gazette and supervision instructions and examination leading to approved qualifications;
 - (b) not later than 7 days before its publication as aforesaid, send a copy of the instrument to the Minister.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senator Foster Ogola — Bayalsa West*) — *Agreed to.*

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

Clause 9: Supervision

- (1) The Board shall keep itself informed of the nature of the instruction given at the approved institutions to persons sent for approved course of training and the examinations as a result or which approved qualification are granted;
- (2) For the purposes of performing its functions, the Board shall appoint persons, either from its own members or from outside, to visit the approved institutions, monitor their examinations and thereafter make recommendations to the Board.
- (3) The Board shall determine and make recommendations to the Council as to:—
 - (a) the competence of the instructors;
 - (b) the adequacy of the instruction given to persons attending approved courses at the institutions visited;
 - (c) the adequacy and quality of the examination conducted; and
 - (d) any other matter relating to the institution or examination on which the Board may either generally or in a particular case, request the persons appointed pursuant to subsection (2) of this section to report.
- (4) 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.
- (5) On receiving a report made in pursuance of this section, the Board shall, as soon as may be possible, send a copy of the report to the person appearing to the Board to be in charge of the institution or responsible for the examinations to which the report relates, requesting that person to make observations on the report to the Council within such period as may be specified in the request, not less than one month, beginning with the date of the request.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senator Foster Ogola —Bayalsa West*) — *Agreed to.*

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

Clause 10: Persons Deemed to Practice as Professional Counsellors

- (1) Any person who: —
 - (a) has been approved and endorsed by the Council as a "Foundation Member" this includes all persons present at the preliminary inaugural meetings of the Association held on November 15, 1975; June 17 and 18, 1976, and all persons who though absent, expressed the desire to be members at those times; or
 - (b) holds the accepted qualification or its equivalent, obtained ten years before the commencement of this Bill and satisfies the conditions mentioned in section 7 (2), would be exempted from taking the professional practice competence examination, but issued the certificate of professional competence after payment of the prescribed fees to enable him register fully as a Professional Counsellor, provided that the Council is satisfied that he has acquired adequate professional practice experience as a Professional Counsellor to deserve the exemption.
- (2) a person shall be issued a Certificate of Professional Competence if —
 - (a) during his employment after qualification, he acquired practical experience under the personal supervision and guidance of one or more fully registered Counsellors for the period of two years: and
 - (b) the manner in which he carried out the duties of his employment and his conduct during the period of his employment, are satisfactory.
- (3) The employer, being a fully registered Counsellor supervising the work of persons employed with a view to obtaining a certificate of professional competence, shall ensure that the person is are given opportunities of acquiring the practical experience for the purposes of sub clause (2)(a).
- (4) The Registrar shall as soon as practicable, after the entry in the register of any person's name, or after the removal of such name from the register, give notice in writing to the institution of the entry or removal, as the case may be, together with all the particulars relevant thereto.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senator Foster Ogola —Bayalsa West*) — *Agreed to.*

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

PART V — PROFESSIONAL DISCIPLINE**Clause 11: Establishment of Disciplinary Tribunal and Investigative Panel**

- (1) There is established the Counsellors Investigative Panel (in this Bill referred to as "the Panel") charged with the duties of:
 - (a) conducting a preliminary investigation into any case where it is alleged that a person registered has misbehaved in his capacity as a Professional Counsellor, or should for any other reason be the subject of proceedings before the Tribunal; and

- (b) deciding whether the case shall be referred to the Tribunal
- (2) The Panel shall be appointed by the Council and shall consist of seven (7) members.
- (3) There is established the Counsellors Disciplinary Tribunal Panel (in this Bill referred to as "the Tribunal") charged with the duty of considering and determining any case referred to it by the Panel established under Subsection (1) of this section and any other case of which the Tribunal has cognisance under the Bill.
- (4) The Tribunal shall consist of the President of the Council and 11 other members, appointed by the Council of which at least, four shall be members of the Council, holding office by virtue of Section 3(2)(e) or where the number of those members is for the time being less than four of those members.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senator Foster Ogola —Bayalsa West*) — *Agreed to.*

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

Clause 12: Professional Misconduct

- (1) The provisions of the Second Schedule to this Bill shall, so far as applicable to the Tribunal and the Panel respectively, have effect with respect to those bodies
- (2) Where —
 - (a) a person fully registered or provisionally registered under this Bill is judged by the Tribunal to be guilty of infamous misconduct in any Professional respect;
 - (b) such a person is convicted of any offence in Nigeria or elsewhere by any court having power to impose imprisonment (whether or not such offence is punishable with imprisonment), which in the opinion of the Tribunal is incompatible with the status of the Professional Counsellor; or
 - (c) The Tribunal is satisfied that the name of any person has been fraudulently registered, the Tribunal may, if it thinks fit, give a direction reprimanding that person or ordering the Registrar to strike his name off the relevant part of the register.
- (3) The Tribunal may, if it deems fit, defer or further defer its decision as to the giving of a direction under subsection (1) of this section, until a subsequent meeting of the Tribunal, but:—
 - (a) no decision shall be deferred under this subsection for a period exceeding two years in the aggregate; and
 - (b) no person shall be a member of the Tribunal for the purpose or reaching a decision which has been deferred or further deferred, unless he was present as member of the Tribunal when the decision was deferred or further deferred.

- (4) For the purpose of subsection (1) of this section, a person shall not be treated as convicted, unless the conviction stands at a time when no appeal or further appeal is pending or may (without extension of time) be brought in connection with the conviction.
- (5) When the Tribunal gives a direction under subsection (1) of this section, it shall cause notice of the direction to be served on the person to whom it relates.
- (6) A person to whom such a direction relates may at any time within twenty-eight days from the date of service on him of the notice of the direction, appeal against the direction to the Court of Appeal, and the Tribunal may appear as respondent to the appeal and for the purpose of enabling directions to be given as to the cost of the appeal and of proceedings before the Tribunal, shall be deemed to be a party thereto whether or not it appears to the hearing of the appeal.
- (7) A direction of the Tribunal under subsection (1) of this section shall take effect:—
 - (a) where no appeal under this section is brought against the direction within the time for the appeal, on the expiration of that time;
 - (b) where an appeal is brought and is withdrawn or struck out for want of diligent prosecution, on the withdrawal or striking out of the appeal: and
 - (c) where an appeal is brought and is not withdrawn or struck out If and when the appeal is dismissed.
- (8) A person whose name is removed from the register in pursuance of a direction of the Tribunal under this section, shall not be entitled to be registered again, except in pursuance of a direction in that behalf given by the Tribunal on the application of that person, and a direction under this section of the removal of a person's name from the register may prohibit an application under this subsection by that person until the expiration of such period from the date of the direction, and where he has duly made such an application, from the date of his last application, as may be specified in the direction.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senator Foster Ogola —Bayalsa West*) — Agreed to.

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

PART VI — MISCELLANEOUS AND GENERAL

Clause 13: Registration of Temporary Practitioners

- (1) Where a person satisfies the Council that he:—
 - (a) has been selected for employment for a specified period in a capacity in which a person registered as a Counsellor under this Bill is qualified to be employed and that he is or intends to be in Nigeria temporarily for the purpose of serving for that period in the employment in question;
 - (b) holds a qualification or has passed the necessary examination;

- (c) has obtained some qualification granted outside Nigeria which is for the time being accepted by the Council as respects the capacity in which if employed, he is to serve, the Council may, if it deems fit, give a direction that he shall be temporarily registered as a Counsellor;
- (2) The temporary registration of a person shall continue while he is in employment as is mentioned in Subsection (1) (a) of this section and shall cease at the end of the period of the employment specified to the Council under this section or the prior determination of the employment whichever occurs.
- (3) Nothing in subsection (2) shall preclude the Council from giving a further direction under subsection (1) of this section in respect of the specified period, whose commencement coincides with the termination or prior determination of another employment;
- (4) A person who is temporarily registered shall, in relation to his employment and to things done or omitted to be done in the course of that employment, be deemed to be fully registered, but in relation to all matters, he shall be treated as not so registered.
- (5) In case of doubt as to whether a person's employment has been terminated, the decision of the Council shall be conclusive for the purpose of subsection (2) of this section.
- (6) The Registrar, as directed from time to time by the Council, shall remove from the register, the name of any person ceasing to be entitled to the benefit of this section.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senator Foster Ogola —Bayalsa West*) — *Agreed to.*

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

Clause 14: Offences and Penalties

- (1) A person, not being a registered Professional Counsellor, who:—
 - (a) for or in expectation of reward, practices or holds himself out to practice as such; or
 - (b) without reasonable excuse takes or uses any name, title addition or description, implying that he is authorized by law to practice as a registered Counsellor, shall be guilty of an offence under this Bill.
- (2) A person who, for the purpose of procuring the registration of any name, qualification or other matter:—
 - (a) makes a statement which he believes to be false, or
 - (b) recklessly makes a statement which is false, commits an offence under this Bill.
- (3) A Registrar or any other person employed by the Council who, willfully makes any falsification in any matter relating to the register, commits an offence under this Bill.
- (4) Any person who contravenes subsections (1), (2), (3) or any section for which no punishment is provided under this Bill is liable on conviction:—

- (a) to a fine not exceeding N200,000.00 (Two Hundred Thousand Naira) or imprisonment for a term not exceeding Two (2) years or to both; and
 - (b) where the offence is a continuous one, to a further fine, not exceeding N30,000 (Thirty Thousand Naira) for each and every day the offence continues.
- (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 to be attributable to any neglect on the part of any director, manager, secretary, or any person purporting to act in any such capacity he as well as the body corporate, commits an offence under this Bill.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senator Foster Ogola —Bayalsa West*) — *Agreed to.*

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

Clause 15: Proof of validity of certificate

- (1) A certificate required by any written law from any class of persons for whom a Register is maintained under this Bill, shall not be valid unless the person signing it, is registered in accordance with this Bill.
- (2) Subject to the provisions of this section, a person not otherwise exempted, shall not hold an appointment requiring status of a Professional Counsellor under this Bill in the Public and civil service of the Federation or of a State or in the Armed Forces of the Federation; or public and/or private limited or unlimited liability organizations, unless he is a Counsellor, registered under this Bill.
- (3) A Counsellor shall to the extent only of his particular qualification, be entitled to practice as a registered Counsellor throughout the Federation;
- (4) A person in charge of any University in the Federation, offering courses leading to an approved qualification intended for persons who are seeking to become registered as Professional Counsellors under this Bill shall furnish the Registrar, not later than 31st day of March in every year, with a list of the names and or such other particulars as the Council may specify, of all persons who attended any such courses at the University in question at any time during the preceding year;
- (5) In this section, "public service" includes services as a registered Professional Counsellor in or with any educational institution, commission, corporation or state-owned or joint Venture Company and any employment in the Federation.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senator Foster Ogola —Bayalsa West*) — *Agreed to.*

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

Clause 16: Powers of the Minister to Give Directives

- (1) The Minister may give to the Council directions or a general character relating generally to particular matters (but not to say individual person or case: with regard to the exercise by the Council of its functions and it shall be the duty of the Council to comply with the directions, provided the direction does not infringe on the ethics and codes of conduct of the Profession.

- (2) Before giving a direction under subsection (1) of this section, the Minister shall serve a copy of the proposed direction on the Council, which shall afford the Council an opportunity of making representations to him with respect to the direction; and after considering any representations made to him in pursuance of this subsection, the Minister may give the direction, either without modification or with such modifications as appear to him to be appropriate, having regard to the representations.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senator Foster Ogola —Bayalsa West*) — *Agreed to.*

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

Clause 17: Regulations

- (1) The Council shall have power to make regulations, which in its opinion, be necessary or expedient for giving full effect to the provisions of this Bill and for the administration thereof.
- (2) Any power to make regulations, rules and orders under this section shall include power:—
- (a) to make provision for such incidental or supplemental provision, as the person or authority making the instrument considers expedient for the purpose of the instrument; and
- (b) to make different provision for different circumstances.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senator Foster Ogola —Bayalsa West*) — *Agreed to.*

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

Clause 18: Interpretation

- (1) In this Bill:—
- "approved qualification" means such qualification which is approved for the time being by the Council;
- "Association" means the Counsellors Association of Nigeria (CASSON);
- "Board" means Governing Board of the Council;
- "Council" means the Counselling Practitioners Council of Nigeria established under section 1 of this Bill;
- "Counsellor" means a professionally trained guidance and counsellor, which also includes professionals from Therapeutic Counselling, etc.
- "Minister" means the Minister of Education;
- "Profession" means the Profession of Counselling;
- "Professional Counsellor" means any person fully registered as such under this Bill;
- "Register" means the register maintained under this Bill;
- "Registered" shall be constructed accordingly;

"Registrar" means the Registrar appointed in pursuance of section 6 this Bill;

- (2) For the purpose of this Bill, a person is registered if his name is for the time being, entered in the register;
- (3) Any approval, consent direction, notice, observation, report representation or request authorized or required to be given or made by or under this Bill shall be in writing and, may without prejudice to any other method of service but subject to the rules made under the second schedule to this Bill be served by post.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senator Foster Ogola —Bayalsa West*) — *Agreed to.*

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

Clause 19: Citation

This Bill may be cited as the Counselling Practitioners Council of Nigeria Bill, 2018.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senator Foster Ogola —Bayalsa West*) — *Agreed to.*

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

FIRST SCHEDULE

Section 3 (2)

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

1. (1) A person shall not be appointed as a member of the Board unless he is a citizen of Nigeria and he is registered as a Professional Counsellor under this Bill.
- (2) Subject to the provisions of this paragraphs, a person who is a member of the Board otherwise than by virtue of Section 3 (10) (d) of this Bill shall hold office for a period not exceeding five years beginning with the date of his appointment or election as the case may be: provided that a person shall not hold office, whether appointed or elected, for a term of less than five years unless the Minister after consultation with the Council otherwise directs.
- (3) Any member of the Board holding office otherwise than as mentioned in sub-paragraph (2) of this paragraph may, with notice to the Board, resign his office;
- (4) Subject to section of this Bill, a person who has ceased to be a member of the Council shall be eligible again to become a member of the Council;
- (5) When a member of the Board ceases to hold office before due-date when his term of office would have expired by effluxion of time, the body or person by whom he was appointed or elected shall, as soon as may be possible, appoint or, as the case may be elect a person to fill the vacancy for the residue of the term so that provisions of this-sub-paragraph shall not apply where a person holding office as a member of the Board ceases to hold office at a time when the residue of his term does not exceed one year;
- (6) the power of appointing a person as President of the Council shall:—
 - (a) during the period beginning with the date when this Bill comes into force, be exercisable by the Minister on the recommendations of the Association; and

- (b) after the expiration of that period, be exercisable by the Board and where an existing member of the Board is appointed President, his office as an existing member shall become vacant and his term of office as President shall begin on the date of his appointment as President.
- (7) Notwithstanding that the term of office of a member or the Board has expired by the effluxion of time, a person appointed as President, Vice President and one other person shall continue in that office until a fresh appointment is made to the office.
- (8) The quorum of the Board shall be seven so that at least two of the person elected by the Association and two of the representatives of the states of the Federation are present at the particular meeting, and the quorum of any committee of the Board shall be determined by the Council.

POWER OF BOARD

- 2. (1) The Board shall have power to do anything, which is in its opinion is calculated to facilitate the carrying on of its activities;
- (2) The Board shall have power to borrow money or to dispose of any property and it shall have power to pay remuneration (including pensions) allowances, or expenses to any member, officer or servant of the Board or to any other person.

PROCEEDINGS OF THE BOARD

- 3. Subject to the provision of this Bill and of section 27 of the Interpretation Act (which provides for decisions of a body to be taken by a majority of the Members of the body and for the president to have a second or casting vote), the Board may make standing orders regulating the proceedings of the Councillor of any committee thereof.

VICE—PRESIDENT OF THE BOARD

- 4. (1) The Board shall appoint one of its members to be the Vice President of the Board for such period as the Board may determine so that the Vice president who ceases to be a member shall cease to be a Vice-President;
- (2) At any time while the office of the President either is vacant or the president is, in the opinion of the Board permanently or temporarily unable to perform the function of his office, the Vice-President shall perform those functions, and references in this schedules to the President shall be constructed accordingly.

MEETINGS OF THE BOARD

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

- (4) Notwithstanding anything in the foregoing provisions and 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 the member who shall preside and as to the procedure which shall be followed at the meeting.

COMMITTEE

6. (1) The Board may appoint one or more Committees to carry out on behalf of the Board such functions as the Board may determine.
- (2) A Committee appointed under this paragraph shall consist of number of persons determined by the Board, and not more than one- third of those persons may be persons who are not members of the Board and a person other than a member of the Board shall hold office on the committee in accordance with the terms of the instrument by which he is 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 seal of the Council shall be authenticated by the signature of the President or of some other member authorized generally or specifically to act that purpose by the Board.
- (2) Any contract or instrument which, if made or executed by a person not being a body corporate would not be required to be under seal, may be made or executed on behalf of the Board by any person 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 so executed.
8. The validity of any proceeding or the Counsellor of a Committee shall not be affected by any vacancy in the membership or the Counsellor or Committee, or by any defect in the appointment of a member of the Board of a person to serve on the committee, or by reason that a person not entitled to do so took part in the proceedings.

A member of the Board or any person holding office on a committee of the Board 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 Board, as the case may be, and shall not vote on any question relating to the contractual arrangement.

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

SECOND SCHEDULE

SECTION 12(1)

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY TRIBUNAL AND INVESTIGATIVE PANEL

THE TRIBUNAL

THE QUORUM OF THE TRIBUNAL SHALL BE FOUR

1. The quorum of the Disciplinary Tribunal shall be four of whom at least two shall be members of Council.

2. (1) The Attorney-General of the Federation may make rules with regard to the procedure to be followed by the Disciplinary Tribunal and the Investigative Panel and on the rules of evidence in such proceedings.
- (2) Until the rules are made, the Disciplinary Tribunal and the Investigative Panel shall conduct their proceedings in such manner as to provide—
 - (a) that notice of the proceedings shall be given in good time and shall clearly specify the complaint, to the person who is the subject of the proceedings;
 - (b) for determining who, in addition to the person aforesaid, shall be a party to the proceedings;
 - (c) for securing that any party to the proceedings shall, if so required, be entitled to be heard by the Disciplinary Tribunal;
 - (d) for securing that any party to the proceedings may be represented by a legal practitioner;
 - (e) subject to the provisions of section 13 (5) of this, as to the casts of proceedings before the Tribunal;
 - (f) for requiring, in a case where it is alleged that the person who is the subject of the proceedings is guilty of infamous conduct in any professional respect, that where the Disciplinary Tribunal adjudges that the allegation has not been proved, it shall record a finding that the person is not guilty of such conduct in respect of the matters to which the allegation relates;
 - (g) for publishing in the Gazette, notice of any direction of the Disciplinary Tribunal, which has taken effect, providing that a person's name shall be struck off a register.
3. For the purposes of any proceedings before the Disciplinary Tribunal, any member of the Tribunal may administer oath and any party to the proceedings may issue out of the Registry of the High Court, writs of subpoena ad testificandum and duces tecum but no person appearing before the Tribunal shall be compelled—
 - (a) to make any statement before the Disciplinary Tribunal tending to incriminate himself; or
 - (b) to produce any document under such a writ, which he could not be compelled to produce at the trial of an action.
4. (1) For the purpose of advising the Disciplinary Tribunal on questions of law arising in proceedings before it, there may in all such proceedings be an assessor to the Tribunal (who may be the legal adviser to the Council or may be appointed by the Board) and who shall be a legal practitioner of not less than ten years standing.
- (2) The Attorney-General of the Federation may make rules as to the functions of assessors appointed under this paragraph and in particular, such rules shall contain provisions for securing—
 - (a) that where an assessor advises the Disciplinary Tribunal on any question of law as to evidence, procedure or any other matters specified by the rules, he shall do so in the presence of every party or person representing a party to the proceedings who appear thereat or, if the advice is tendered while the Disciplinary Tribunal is deliberating in private, that every such party or person as aforesaid shall be informed, what advice the assessor has tendered; and

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

THE INVESTIGATIVE PANEL

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

Miscellaneous

7. A person may, if otherwise eligible, be a member of both the Disciplinary Tribunal and the Investigative Panel but no person who acted as a member of the Investigative Panel with respect to any case shall act as a member of the Disciplinary Tribunal with respect to that case.
8. The Disciplinary Tribunal or the Investigative Panel may act notwithstanding any vacancy in its membership, and the proceedings of either body shall not be invalidated by any irregularity in the appointment of a member of that body or subject to paragraph 7 of this Schedule, by reason of the fact that any person who was not entitled to do so took part in the proceedings of that body.
9. Any document authorized or required by virtue of this Bill to be served on the Disciplinary Tribunal or the Investigative Panel shall be served on the secretary to the Council.
10. Any expenses of the Disciplinary Tribunal or the Investigative Panel shall be defrayed by the Council.
11. A person shall not, by reason only of his appointment as an assessor to the Disciplinary Tribunal or as a member of the Investigative Panel, be treated as holding an office in the public service of the Federation or of any state thereof.

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

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole resumed consideration of the Report of the Committee on Establishment and Public Service on the Counselling Practitioners Council of Nigeria (Establishment, etc.) Bill, 2018 and approved as follows:

Clauses 5- 19 — As Recommended

Schedules 1 & 2 — 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.

**16. Committee on Agriculture and Rural Development:
Report on the National Fertilizer Quality (Control) Act Bill, 2018 (SB. 338):**

Consideration of Report deferred to another Legislative Day.

(Deputy Senate President in Chair)

**17. Committee on Interior:
Report on the Prisons Act CAP P22 LFN 2004 (Repeal and Re-Enactment) Bill, 2018 (SB. 288):**
Motion made: That the Senate do consider the Report of the Committee on Interior on the Prisons Act CAP P22 LFN 2004 (Repeal and Re-Enactment) Bill, 2018 (*Senator Andy E. Uba — Anambra 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 A BILL FOR AN ACT TO REPEAL THE PRISONS ACT CAP. P29 LAWS OF THE FEDERATION OF NIGERIA, 2004 AND ENACT THE NIGERIAN CORRECTIONAL SERVICE BILL, TO PROVIDE FOR THE ADMINISTRATION OF PRISONS AND NON-CUSTODIAL MEASURES IN NIGERIA; AND FOR RELATED MATTERS, 2018.

Clause 1: Establishment of Nigerian Correctional Service.

- (1) There is established for the Federation, the Nigerian Correctional Service (in this Bill referred to as "the Correctional Service"), which provides custodial and non-custodial services.
- (2) The Service shall consist of Nigerian:
 - (a) custodial service; and
 - (b) non-custodial service.
- (3) There shall be for the administration of the Service:
 - (a) a Controller- General;
 - (b) a minimum of 8 Deputy Controllers-General; one of whom shall be responsible for the non-custodial service; and
 - (c) such other subordinates to the Controller-General as may be necessary for the administration of the Service.
- (4) The National Headquarters of the Service shall be in the Federal Capital Territory.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Andy E. Uba — Anambra South*) — *Agreed to.*

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

Clause 2: Objectives of the Bill.

The objectives of the Bill are to:

- (a) be in compliance with international human rights standards and good correctional practices;
- (b) Provide enabling platform for implementation of non-custodial measures;
- (c) enhance the focus on corrections and promotion of reformation, rehabilitation and reintegration of offenders; and
- (d) establish institutional, systemic and sustainable mechanisms to address the high number of awaiting trial persons.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senator Andy E. Uba — Anambra South*) — *Agreed to.*

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

Clause 3: Appointment of Controller-General of Correctional Service.

- (1) The Controller-General shall be appointed by the President of the Federal Republic of Nigeria on the recommendation of the Board subject to confirmation by the Senate.
- (2) The appointment shall be from serving Assistant Controllers-General and above who have:
 - (a) evidence of attendance and satisfactory performance at all mandatory training and command courses;
 - (b) vast experience in correctional management and administration;
 - (c) evidence of quality leadership and good track record in the Service; and
 - (d) evidence of satisfactory performance in field command positions.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senator Andy E. Uba — Anambra South*) — *Agreed to.*

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

Clause 4: Powers, Duties and Functions of the Controller-General.

- (1) The Controller-General shall:
 - (a) have the general superintendence of the Service;
 - (b) exercise the powers, perform and all the duties and functions necessary to give effect to section 2 of the Bill;
 - (c) in accordance with the provisions of the Administration of Criminal Justice Act and other relevant legislation and policies, administer non-custodial measures;

- (d) create a platform for interfacing with other criminal justice institutions;
 - (e) develop a plan at the beginning of each year stating the following activities of the Correctional Service:
 - (i) custodial service; and
 - (ii) non-custodial service; and
 - (f) deploy officers and materials to custodial and non-custodial Institutions and Centres.
- (2) In line with the provision of subsection (1), the Controller-General shall also superintend on:
- (a) inmates safe and humane custody;
 - (b) reformation, rehabilitation and reintegration of offenders;
 - (c) non-custodial institutions and centres; and
 - (d) any other custodial and non-custodial facility.
- (3) The person appointed to the office of the Controller-General shall hold office for a single term of five years or on attainment of the mandatory retirement age of 60 or 35 years in service, whichever comes first.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senator Andy E. Uba — Anambra South*) — *Agreed to.*

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

Clause 5: Power to Delegate.

The Controller-General shall direct the most senior Deputy Controller-General to discharge the duties of the office in his absence.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senator Andy E. Uba — Anambra South*) — *Agreed to.*

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

Clause 6: Removal of the Controller-General.

- (1) The Controller-General shall not be removed from office during the subsisting tenure except where:
- (a) a report of gross misconduct or incapacity to perform his function due to physical or mental ill health has been made against him by any person to the Board;
 - (b) the Board considers the allegation made under subsection (1)(a) serious and sets up a committee, including relevant experts where necessary to investigate the matter;
 - (c) the Board considers the allegation and after fair hearing recommends that the Controller-General be removed from office; and
 - (d) the President accepts the recommendation of the Board and effects the removal.

- (2) If the office of the Controller-General becomes vacant for reasons stated in section 5 (1), the most senior Deputy Controller-General will assume office in acting capacity pending the appointment of a substantive Controller-General.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senator Andy E. Uba — Anambra South*) — *Agreed to.*

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

Clause 7: Structure of the Nigerian Correctional Service.

- (1) There shall be established for the Correctional Service, the:
- (a) National Headquarters;
 - (b) Zonal Offices;
 - (c) State Commands;
 - (d) Custodial and Non-Custodial Centres; and
 - (e) training institutions.
- (2) The National Headquarters shall consist of the Directorates of:
- (a) Finance and Accounts;
 - (b) Inmates' Training and Productivity;
 - (c) Human Resources;
 - (d) Works and Logistics;
 - (e) Health and Welfare;
 - (f) Training and Staff Development;
 - (g) Operations; and
 - (h) Non-Custodial Service.
- (3) Each of the Directorates shall be superintended by a Deputy Controller-General of Corrections who shall report to the Controller-General.
- (4) The Zonal Offices shall be headed by Zonal Coordinators who are officers of the rank of Assistant Controllers-General and shall have the general superintendence of the State Commands and the Centres under their zones.
- (5) The State Commands shall be headed by officers of the rank of Controllers and shall have the general superintendence of the Custodial and Non-Custodial Centres under their States; and
- (6) The Non-Custodial Service in each State shall be superintended by an officer of at least the rank of Deputy Controller of Correctional Service who shall report to the State Controller of Correctional Service on all non-custodial activities and services in the State, including those implemented by State and civil society organisations.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senator Andy E. Uba — Anambra South*) — *Agreed to.*

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

PART I - CUSTODIAL SERVICE**Clause 8: Establishment and Classification of Custodial Service.**

- (1) The Minister may, by order in a Federal Government Gazette:
 - (a) declare any public building, with requisite facilities in an appropriate location within Nigeria, to be a Custodial Centre; and
 - (b) specify the area and the landmass for which the Centre is established:

Provided that in every building so declared as a custodial centre, sleeping accommodation shall meet all requirements of health, with consideration given, among other things, to adequate floor space, water and sanitation amenities, lighting and ventilation.
- (2) A building declared to be a Custodial Centre under this part includes:
 - (a) the grounds and building within its enclosure ; and
 - (b) any detention centre for the temporary detention which is declared by the Minister by order in the Federal Government Gazette to be part of the custodial centre.
- (3) Upon the commencement of this Bill, no structure shall be erected anywhere less than 100 meters from the outer limit of the Custodial Centre land as designated by the beacon in the survey plan.
- (4) Application of subsections (1) - (3) shall follow due process in relation to consultation and effective securing of the area and the buffer zone without prejudice to already existing provisions on payment of appropriate compensation.
- (5) The category of Custodial Centres in the Federation is as set out in the First Schedule to this Bill.
- (6) The Minister shall by the order establishing a Custodial Centre or by a separate order in the Federal Government Gazette designate every Custodial Centre as a Custodial Centre of a particular category.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senator Andy E. Uba — Anambra South*) — *Agreed to.*

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

Clause 9: Functions of the Custodial Service.

Corrections shall be the primary goal of the Correctional Service and the functions are:

- (a) taking custody of all persons legally interned;

- (b) providing safe, secure and humane custody for inmates;
- (c) conveying remand persons to and from courts in motorised formations;
- (d) identifying the existence and causes of anti-social behaviors of inmates;
- (e) conducting risk and needs assessment aimed at developing appropriate correctional treatment methods for reformation, rehabilitation and reintegration;
- (f) implementing reformation and rehabilitation programmes to enhance the reintegration of inmates back into the society;
- (g) initiating behavior modification in inmates through the provision of medical, psychological, spiritual and counseling services for all offenders including violent extremists;
- (h) empowering inmates through the deployment of educational and vocational skills training programmes, and facilitating incentives and income generation through Custodial Centres, farms and industries;
- (i) administering borstal and related institutions;
- (j) providing support to facilitate the speedy disposal of cases of awaiting trial persons; and
- (k) performing other functions as may be required to further the general goals and functions of the Service.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senator Andy E. Uba — Anambra South*) — *Agreed to.*

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

Clause 10: Pensions.

In accordance with the Pensions Reform Act 2004, the staff and officers of the Correctional Service are entitled to gratuities, pensions and other benefits as are prescribed in the Act.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senator Andy E. Uba — Anambra South*) — *Agreed to.*

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

Clause 11: Custody of Inmates.

- (1) Every person confined in a Custodial Centre is deemed to be in the legal custody of the Custodial Centre Superintendent, and shall be subject to discipline and regulations made under this Bill, whether or not the person is within the precincts of the Centre.
- (2) In the case of an inmate under sentence of death, the Superintendent shall at such time on the day on which the sentence is to be carried out and from that time until the actual carrying out of the sentence, ensure that:
 - (a) the inmate is in legal custody of the Sheriff and;

- (b) the Sheriff shall have jurisdiction and control over that portion of the Custodial Centre where the inmate is confined and the Custodial officers deployed therein so far as may be necessary for the safe custody during that period and for the purpose relating to such custody; and
 - (c) where an inmate sentenced to death has exhausted all legal procedures for appeal and a period of 10 years has elapsed without the execution of the sentence, the Chief Judge may commute the sentence of death to life imprisonment.
- (3) Subject to subsection (1), the Custodial Centre Superintendent is authorised and required to keep and detain all persons duly committed to the custody by any court, judge, magistrate, justice of the peace or other authority exercising competent jurisdiction, according to the terms of any warrant or detention order by which any such person has been committed until that person is discharged by due course of law.
- (4) In the event that the Custodial Centre has exceeded its capacity, the State Controller shall within a period not exceeding one week, notify the Chief Judge of the State, the Attorney-General of the State, the Prerogative of Mercy Committee, the State Criminal Justice Committee and other relevant bodies.
- (5) In relation to the Federal Capital Territory, the Controller shall notify also the Attorney-General of the Federation and the Chief Judge of the Federal Capital Territory.
- (6) Notwithstanding the provisions of subsections (1) and (2), the Controller General of Correctional Service shall notify the Attorney General of the Federation and the Chief Justice of Nigeria in relation to the Correctional Centres in the country.
- (7) Upon receipt of the notification referred to in subsection (4), the notified body shall, within a period not exceeding three months, take necessary steps to rectify the overcrowding.
- (8) Without prejudice to subsection (4), the State Controller of Correctional Service in conjunction with the Correctional Centre Superintendent shall have the power to reject more intakes of inmates where it is apparent that the Correctional Centre in question is filled to capacity.
- (9) In relation to subsection (6), the Superintendent shall apply the following:
 - (a) ensure due documentation of the name, date, and other particulars relating to the person that was refused admission and the officer and agency that presented the person for admission into custody; and
 - (b) render immediate returns on documentation made under subsection (7)
 - (a) to the State Controller of Correctional Service.
- (10) In relation to subsection (5), the criteria to be considered for the release of inmates or diversion of inmates to Non-Custodial Service may include:
 - (a) inmates sentenced to three years and above with less than six months to the completion of their sentence;

- (b) inmates charged, convicted or sentenced for minor offences;
 - (c) inmates with civil cases; and
 - (d) any other criteria as may be determined by the Chief Judge or the Prerogative of Mercy Committee.
- (11) A State Controller of Correctional Service shall be sanctioned if he fails to notify the relevant bodies when the Custodial Centre approaches full capacity within the stipulated time frame as stated in subsection (4).
- (12) A Custodial Superintendent who fails or refuses to observe the procedure as stated in subsection (6) by continuing to accept inmates after the expiration of the notification timeline shall be sanctioned.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senator Andy E. Uba — Anambra South*) — *Agreed to.*

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

Clause 12: Documentation of Inmates.

- (1) When a person is sentenced, committed or transferred to the Custodial Centre, the Correctional Service shall take reasonable steps to obtain, as soon as practicable:
- (a) relevant information about the person's offence, biometrics, personal history, risk and needs assessment, including the person's psychological or mental health status and his criminal antecedents;
 - (b) any reason and recommendation relating to the sentencing or committal that are given or made by the court that convicted, sentenced or committed the person and any court that hears an appeal from the conviction, sentence or committal;
 - (c) any report relevant to the conviction, sentence or committal that is submitted to a court mentioned in subsection (2);
 - (d) any other information relevant to administering the sentence or committal, including existing information from the victim of the offence and the transcript of any comment made by the sentencing court regarding serving the sentence.
- (2) The information collected under paragraphs (a) - (d) shall be kept in a centralised database management system of the Correctional Service.
- (3) Notwithstanding subsection (1), a Custodial Centre Superintendent shall refuse to admit any person brought in with a severe bodily injury or who is mentally unstable or in an unconscious state of mind or who is underage.
- (4) In relation to subsection (3), the Superintendent:
- (a) shall ensure due documentation of the name, date, and other particulars relating to the person that was refused admission and the officer and agency that presented the person for admission into custody;

- (b) shall render immediate returns on documentation made under paragraph (a) to the State Controller of Correctional Service; and
- (c) may rely on relevant professionals in the determination of the state of mind, age or physical bodily conditions as presented.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senator Andy E. Uba — Anambra South*) — *Agreed to.*

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

Clause 13: Reformation and Rehabilitation of Inmates.

- (1) The Correctional Service shall provide opportunities for education, vocational training, as well as training in modern farming techniques and animal husbandry for inmates.
- (2) In accordance with the provisions of subsection (1), the Correctional Service shall establish and run in designated Custodial Centres and, industrial centres equipped with modern facilities for the enhancement of vocational skills training for inmates aimed at facilitating their reintegration into society.
- (3) Subsections (1) and (2) shall be administered to encourage generation of funds to aid the earning scheme for the inmates as well as aftercare and other support services towards their rehabilitation.
- (4) The Controller-General shall approve the sharing of revenue due to the Correctional Service from any enterprise, provided that one-third shall be:
 - (a) set aside for the inmates participating in the activity;
 - (b) for sustainability of the enterprise; and
 - (c) paid into the Consolidated Revenue Fund of the Federation.
- (5) The Correctional Service may recommend for issuance of certificates of good behaviour upon discharge to an inmate who had demonstrated good conduct, including those who have acquired training through formal and informal education aimed at facilitating their reintegration.
- (6) A person who is issued with the certificate of good behaviour shall not be discriminated against on grounds of his custodial sentence.
- (7) The certificate shall be issued by the Board upon the recommendation of the Controller-General.
- (8) The Correctional Service shall take adequate steps to ensure the:
 - (a) prevention of torture;
 - (b) prevention of inhumane and degrading treatment against inmates;
 - (c) prevention of sexual and non-sexual violence and bullying;
 - (d) effective procedure for:
 - (i) prevention,

- (ii) identification of early warning signs,
- (iii) early detection of occurrence,
- (iv) punishment of perpetrators, and
- (v) protection and treatment of affected victims.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senator Andy E. Uba — Anambra South*) — *Agreed to.*

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

Clause 14: Inmate Labour.

- (1) Inmates shall not be held in slavery or servitude, and labour carried out by inmates shall neither be of an afflictive nature nor for the personal or private benefit of any correctional officer.
- (2) The effect of a sentence of imprisonment with labour passed upon an inmate shall be that such inmate be subjected to such labour as may be directed by the Correctional Centre Superintendent.
- (3) The labour referred to in subsection (2) shall, as far as practicable, take place within or outside the Correctional Centre.
- (4) The medical officer may certify any inmate to be excused from labour or to perform light labour.
- (5) Where it is found that a medical officer falsely certifies an inmate to be excused from labour for any reason, the medical officer shall be appropriately sanctioned.
- (6) Notwithstanding the provision of subsection (1), an inmate may be engaged in such labour as may be necessary to keep the Correctional Centre environment clean or for the general purpose of their wellbeing.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senator Andy E. Uba — Anambra South*) — *Agreed to.*

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

Clause 15: Transfer of Inmates.

- (1) The Controller-General of Correctional Service may, for security or administrative reasons, order in writing the transfer of any inmate, convicted or un-convicted, to a suitable Correctional Centre whether or not the Correctional Centre is named in the warrant or order of detention and such order by the officer shall be sufficient authority for such transfer.
- (2) The correctional authority shall ensure that any unconvicted inmate transferred in accordance with subsection (1) is produced in court whenever required.
- (3) Where it appears to the Controller-General that:
 - (a) the number of inmates is greater than the official capacity of the Correctional Centre and that it is more convenient to transfer the excess number of inmates to another Correctional Centre; or

- (b) by reason of the outbreak of a disease within the Correctional Centre or for any other reason, it is desirable to provide for the temporary shelter and safe custody of any inmate, the Controller-General may, by order, direct that as many as the inmates as may be stated in the order shall be kept and detained in a building or place which is outside the Correctional Centre specified in the order and the building or place shall be deemed to form part of the Correctional Centre for the purposes of this Bill until the revocation of the order.
- (4) Nothing in this Bill shall be construed as authorising the:
 - (a) transfer or removal of an inmate to a Correctional Centre of a different security category from that in which he was previously confined; or
 - (b) keeping or detaining of an inmate in a building or place in which there are confined inmates of a different class from that in which the inmate belongs except where, for security and other reasons in the opinion of the Correctional Centre, the conduct of the inmate necessitates transfer to a Correctional Centre of a different class.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senator Andy E. Uba — Anambra South*) — *Agreed to.*

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

Clause 16: Production of Inmates Before a Court.

- (1) Where the presence of an inmate is required before a Court, the Court shall issue an order addressed to the Superintendent requiring the inmate to be produced before the court at the time and place specified in the order, and, by endorsement on the order, require that the inmate be brought up again at any adjourned hearing.
- (2) Under subsection (1), proof of service or other acknowledgement with the signature and stamp of the Correctional Centre shall be required as evidence of delivery of the order to the Correctional Centre Superintendent.
- (3) Where a notification has been given to the Custodial Centre and the Custodial Centre fails to produce the inmate in court, there shall be sanctions except where:
 - (a) circumstances arise that are outside the control of the Custodial Centre; and
 - (b) all necessary steps have been taken ahead of time to notify the court of the absence of the inmate.
- (4) If an inmate charged with an offence is brought before a court under this section, the same procedure shall be followed if he had been brought before the court on a warrant.
- (5) If the Controller-General receives a request or subpoena that the presence of an inmate is required at any place in Nigeria he shall in writing:
 - (a) order the inmate to be taken to that place, in compliance with the request after being satisfied that the request is in the public interest; or

- (b) order the inmate to be taken to that place forthwith, in the case of a subpoena; and
- (6) An inmate taken from Correctional Centre under subsection 5 (a) and (b) is to be kept in such custody and shall be deemed to be in lawful custody.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senator Andy E. Uba — Anambra South*) — *Agreed to.*

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

Clause 17: Detention of Awaiting Trial Persons.

- (1) The Correctional Service shall, in compliance with the requirements for efficient management of the criminal justice system, undertake to:
 - (a) liaise with heads of Justice Institutions and relevant agencies to review and eradicate causes of high numbers of pre-trial detainees and develop effective mechanisms to enhance speedy trial and resolution of such cases;
 - (b) provide returns and other necessary information to relevant bodies regarding awaiting trial persons in Correctional Centre;
 - (c) provide necessary support towards the provision of a national database of all persons in all places of detention; and
 - (d) issue early notification in respect of the Custodial Centre exceeding its capacity to the heads of:
 - (i) judiciary,
 - (ii) law enforcement and prosecuting agencies, Administration of Criminal,
 - (iii) Justice Monitoring Committee,
 - (iv) Prerogative of Mercy Committee, and
 - (v) relevant bodies and institutions.
- (2) Upon receipt of the notification referred to in subsection (1) (d), the State Controller shall cause to be activated the procedure for refusal to admit awaiting trial persons to its Custodial Centre where the:
 - (a) the heads of the relevant agencies notified under subsection (1) (d) fail to take necessary steps to address the situation and concerns raised by the Custodial Centre authority;
 - (b) a reasonable time not exceeding three months has elapsed since the notification was issued by the Custodial Centre's authority; and

- (c) considerable steps shall have been taken to avert the activation of the refusal procedure.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senator Andy E. Uba — Anambra South*) — *Agreed to.*

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

Clause 18: Transportation of Inmates Upon Discharge.

- (1) Where it appears that it is in the public interest or in the interest of the inmate that, upon discharge, he should be assisted towards effective reintegration, the Correctional Service shall provide:
 - (a) funds for transportation of the discharged inmates to their place of abode;
 - (b) aftercare support service; and
 - (c) any other support as may be deemed appropriate by the Correctional Service.
- (2) If the sentence of an inmate expires on a public holiday, the discharge shall take effect immediately on the preceding working day.
- (3) An inmate who is under medical treatment when the inmate's sentence expires, shall not, except at the inmate's written request, be discharged unless the medical officer certifies that the discharge can be effected without danger to the health of the inmate.
- (4) Notwithstanding the provisions of subsection (3), the Custodial Centre superintendent shall inform the hospital authority that the inmate's term has expired.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senator Andy E. Uba — Anambra South*) — *Agreed to.*

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

Clause 19: Use of Firearms.

- (1) A Correctional Officer may use firearms, teargas or such other weapons as may be necessary against an inmate escaping or attempting to escape from lawful custody.
- (2) A Correctional Officer may:
 - (a) use firearms on any inmate engaged in any combined outbreak or in any attempt to force or break open the gate or perimeter wall of a Custodial Centre; and
 - (b) continue to use weapons so long as the combined outbreak or attempt is ongoing.
- (3) A Correctional Officer may use weapons against an inmate using violence if the Correctional officer has reasonable grounds to believe that the inmate may cause grievous harm to himself or others.

- (4) Before using firearms against an inmate under subsection (1), a Correctional officer shall give warning to the inmates before firing.
- (5) A Correctional Officer in the presence of a superior officer may not use weapons of any sort against an inmate under subsection (3), except under the orders of the superior officer but may not wait for the superior officer's order in self-defense, or where the superior officer is not in the position to give such order.
- (6) The use of weapons under this section shall, as far as possible, be to disable and not to kill.
- (7) A police officer or any other security agent who is serving as an escort guard in or around a Custodial Centre for the purpose of ensuring the security of the Custodial Centre shall have all the powers and privileges granted to Correctional Officers under this section.
- (8) A Correctional Officer may use weapons to prevent or ward off an attack on the Custodial Centre or during escort duties where it becomes obvious to the Correctional Officer that such attacks are aimed at freeing the inmates or endangering the life of the escorts.
- (9) In the application of this section, the Custodial Centre Superintendent or the most senior Correctional officer on ground shall ensure compliance with principles of legality, necessity, proportionality and accountability.
- (10) In the event of a riot or disturbance in a Custodial Centre, the Superintendent or the most senior Correctional Officer on ground shall:
 - (a) appeal to the rioters that their requests or grievances shall be treated expeditiously; and
 - (b) where the appeal fails, take necessary steps to restore normalcy as prescribed under this section and the applicable Standing Order.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senator Andy E. Uba — Anambra South*) — Agreed to.

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

Clause 20: Custodial Centre Visitors and Inspection of Custodial Centres.

- (1) There shall be official visitors of Custodial Centre in Nigeria which shall consist of:
 - (a) ex-officio who shall be appointed by the President and include:
 - (i) the Chief Justice of Nigeria and other Justices of the Supreme Court,
 - (ii) the President and other Justices of the Court of Appeal,
 - (iii) the Chief Judge and other Judges of the Federal High Court;
 - (iv) the Chairperson and other Council members of the National Human Rights Commission,
 - (v) the Director General of Legal Aid Council of Nigeria,
 - (vi) the President and other executive members of the Nigerian Bar Association,

- (vii) the Chief Judge and other Judges of the High Court of a State and the Federal Capital Territory,
 - (viii) the Grand Khadi and other Judges of the Sharia Court of Appeal and the President and other Judges of Customary Court of Appeal exercising jurisdiction in the State and the Federal Capital Territory,
 - (ix) Magistrate and District Court Judges, and
 - (x) Area Court and Customary Court Judges.
- (b) legislative oversight visitors who shall be presiding officers and members of the relevant Committees of the National Assembly and the State Houses of Assembly;
 - (c) Custodial Centre Visiting Committee which shall be set up by the Minister in consultation with State authorities and shall consist of reputable members of the society and Non-Governmental organisations; and
 - (d) voluntary visitors who shall be appointed by the Controller-General and consist of retired Correctional Officers with good track records and any other person as the Correctional Service may deem fit to serve as a Custodial Centre visitor.
- (2) Information relating to all places of detention and all persons in detention shall be kept by the Ministry supervising Correctional Service, and steps shall be taken by the Ministry to enhance the process, capacities, human rights compliance and security of all facilities holding detainees and inmates including those on pre-trial detention.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senator Andy E. Uba — Anambra South*) — *Agreed to.*

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

Clause 21: Functions of Custodial Centre Visitors.

- (1) The functions of Custodial Centre visitors are to:
 - (a) visit the Custodial Centre and inspect the wards, cells, yards and other apartments or divisions of the Custodial Centre ;
 - (b) receive the complaint (if any) of the inmates;
 - (c) inspect the journals, registers and books of the Custodial Centre and conditions of treatment of the inmates;
 - (d) call the attention of the Custodial Superintendent to any irregularity in the administration of the Custodial Centre or structural defects which may require urgent attention.
- (2) With respect to the Custodial Centre Visiting Committee, the Committee shall visit the Centre at least once in a month between the hours of 9 am and 3 pm.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senator Andy E. Uba — Anambra South*) — *Agreed to.*

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

Clause 22: Healthcare Services in Custodial Centres.

- (1) The Correctional Service shall put in place healthcare services that consist of promotion and protection of physical and mental health, prevention and treatment of diseases.
- (2) The health practitioner shall inspect the Custodial Centre daily and advise the Superintendent, the Controller of Correctional Service or the Controller-General of Correctional Service as appropriate, on the:
 - (a) quantity, quality, preparation and services of food;
 - (b) hygiene and cleanliness of the inmates and the Custodial Centres;
 - (c) sanitation, lighting and ventilation of the Custodial Centre; and
 - (d) suitability and cleanliness of the inmates' clothing and beddings.
- (3) The Superintendent shall take immediate steps to give effect to the recommendations. if they are not within his competence and shall immediately submit a report to the State Controller.
- (4) The Correctional Service shall establish a health centre and deploy at least one medical doctor in all main Custodial Centres.
- (5) Where there is no medical officer appointed for a Custodial Centre, the functions of the medical officer shall be performed by the medical officers in the Civil Service of the Federation or a State as may be directed by the Minister of Health or the Commissioner of Health, as the case may be.
- (6) The Minister of Health, with the concurrence of the State Commissioner of Health, may authorise a health personnel in the Civil Service of a State to attend to matters pertaining to general sanitation in a Custodial Centre and otherwise to assist the medical officer thereof.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senator Andy E. Uba — Anambra South*) — *Agreed to.*

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

Clause 23: Mental Health of Inmates.

- (1) Where it appears to the Correctional Centre Superintendent that an inmate undergoing imprisonment or under sentence of death is of unsound mind, he shall report the matter to the State Controller of Correctional Service who:
 - (a) shall appoint two or more qualified health practitioners with requisite mental health qualifications, (one of whom shall be a Correctional Centre health practitioner) to inquire into the inmate's state of mental health;
 - (b) may, if deemed necessary, order the removal of the inmate from the Custodial Centre to another Custodial Centre within the State or to the closest mental health centre where practicable or any other hospital for appropriate treatment and care; and

- (c) where an order is required to remove the inmate to a Custodial Centre outside the jurisdiction of the State Controller, shall report to the Zonal Coordinator or Controller-General, as appropriate.
- (2) The health practitioners appointed under subsection (1) shall examine the inmate's mental health status and give their opinion in a written report to the State Controller not later than two weeks from the receipt of the initial report for submission to the Mental Health Review Board for review and issuance of appropriate certification which shall be forwarded to the Controller-General, the Chief Judge and other relevant authorities.
- (3) The Mental Health Review Board referred to under subsection (2) shall be appointed by the Controller-General on the recommendation of the State Controller of Correctional Service and other appropriate State authorities in all the States of the Federation and the Federal Capital Territory with membership including, at least:
 - (a) one psychiatrist who shall be the head of the Board;
 - (b) one representative of Federal or State Psychiatric Hospitals within the State or geo-political zone
 - (c) one clinical psychologist;
 - (d) one social worker; and
 - (e) a medical personnel from the Custodial Centre.
- (4) Where an inmate into whose soundness of mind an inquiry has been made under subsection (1) (a) is under sentence of death, the following provisions shall apply:
 - (a) the Custodial Centre Superintendent shall, as soon as possible, report the circumstances to the relevant authority who, on receipt of the report, shall order the execution of the sentence to be suspended until the report of the Mental Health Review Board has been received; and
 - (b) if the inmate is certified to be of unsound mind, the relevant authority shall order the execution of the sentence of death to be stayed and may, by order in writing, direct the Custodial Centre Superintendent to send the inmate to a suitable mental health hospital.
- (5) Where an inmate not under a sentence of death is certified to be of unsound mind under subsection (2), the following provisions shall apply:
 - (a) the Controller-General shall in writing direct the State Controller to remove the inmate to a suitable mental health hospital;
 - (b) the inmate shall, pursuant to an order made under paragraph (a) and, subject to the mental health laws, be detained until he is certified by the Mental Health Review Board to be of sound mind or until the expiration of the sentence, whichever occurs first;
 - (c) if the inmate is certified to be of sound mind, the Controller-General shall, in writing, direct that the inmate be moved to the Custodial Centre to serve the remaining part of the sentence; and
 - (d) if the inmate is still detained in a mental health hospital when the sentence of imprisonment is about to be determined, the officer in charge of the mental health hospital shall give such information as

may be necessary under the mental health laws to secure consideration of the question whether the inmate shall be detained under those laws as a person of unsound mind till the date of the determination of the sentence.

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senator Andy E. Uba — Anambra South*) — *Agreed to.*

Question that Clause 23 do stand part of the Bill, put and agreed to.

Clause 24: Removal of Sick Inmates to the Hospital.

- (1) In case of serious illness of an inmate confined in a Correctional Centre in which there is no suitable accommodation, the State Controller, or in an emergency, the Custodial Centre Superintendent may, on certification by the medical officer, direct the removal of the inmate to a hospital.
- (2) All reasonable precautions shall be taken by the Custodial Centre and medical officers of a hospital to prevent the escape of the inmates transferred there for treatment.
- (3) The Custodial Centres may take such measures for preventing the escape of inmates as may be necessary, including insisting on having the inmate within sight at all times.
- (4) Where in view of the gravity of the offence for which an inmate is in custody or for any other reason the Custodial Centre Superintendent considers it desirable to take special measures for the security of the inmate under treatment in a hospital:
 - (a) the Correctional Centre Superintendent may give the inmate into the charge of fit and proper persons (not being less than two in number), one of whom shall always be with the inmate day and night, or he may place the inmate under supervision of other security personnel; and
 - (b) any person or security personnel, in whose charge an inmate has been placed under paragraph (a), shall be:
 - (i) vested with full power and authority to take all necessary steps to prevent the inmate from escaping, and
 - (ii) responsible for the inmate's safe custody until the inmate is handed over to the Correctional Centre Superintendent on discharge from the hospital or until the sentence expires, whichever occurs first.
- (5) The powers conferred on officers of State authorities under this section shall not be exercised except with the consent of:
 - (a) the State authority in question; or
 - (b) such other person or authority to whom the power to exercise such functions has been conferred.
- (6) Where it is found that a medical officer falsely certifies an inmate for any reason as required under subsection (1), he shall be appropriately sanctioned.

Committee's Recommendation:

That the provision in Clause 24 be retained (*Senator Andy E. Uba — Anambra South*) — *Agreed to.*

Question that Clause 24 do stand part of the Bill, put and agreed to.

Clause 25: Correctional Officers Reward Fund.

- (1) There shall continue to be the Fund (in this Bill referred to as "the Correctional Officers' Reward Fund") into which shall be paid all fines and forfeitures inflicted upon Correctional Officers for offences against discipline under regulations or Standing Orders made under this Bill.
- (2) The Correctional Officers' Reward Fund shall be:
 - (a) administered by the Controller-General in accordance with regulations made under this Bill; and
 - (b) applied for the purposes of:
 - (i) rewarding Correctional Officers for extra or special service such as gallantry, long or meritorious service,
 - (ii) providing comforts, convenience and privilege for Correctional Officers which are not chargeable on the general revenues of the Federation, and
 - (iii) paying any compassionate gratuity which may be granted pursuant to regulations made under sections 11 and 17 of this Bill to the next of kins or, in his absence, to a member of the immediate family of the deceased Correctional Officer.
- (3) There shall be a hazard allowance for officers deployed to serve in high-risk operations or difficult environments which shall:
 - (a) reviewed within a period not exceeding three years;
 - (b) constitute 50% of the officer's basic salary which is applicable in cases of serious bodily injury; and
 - (c) constitute 100% of the officer's basic salary which is applicable in cases of fatality and payable to the officer's next of kin.
- (4) There shall be consideration for the children of an officer who suffers from serious bodily injury or who dies as stated in subsection (3) (b) and (c), and such children shall be allowed to remain in school until a one year period with the possibility of an extension for a few months, if the child is allowed to complete the school year.

Committee's Recommendation:

That the provision in Clause 25 be retained (*Senator Andy E. Uba — Anambra South*) — *Agreed to.*

Question that Clause 25 do stand part of the Bill, put and agreed to.

Clause 26: Staff Training.

- (1) There shall be established, for the Correctional Service, the training institutions, command schools and colleges.
- (2) Every staff on recruitment, shall be trained for a minimum of six months before deployment.

- (3) The Correctional Service Staff College and Academy shall take all necessary steps to be upgraded to a degree awarding institution in penal administration and other related courses.
- (4) Every staff shall attend and complete, with satisfactory performance, all mandatory courses stipulated for career progression in the Correctional Service.
- (5) Training programmes shall be conducted regularly to enhance staff performance and efficiency.
- (6) Staff on training shall be:
 - (a) provided accommodation and feeding;
 - (b) paid transport allowance; and
 - (c) paid such other allowances as prescribed in the Public Service Rules.

Committee's Recommendation:

That the provision in Clause 26 be retained (*Senator Andy E. Uba — Anambra South*) — *Agreed to.*

Question that Clause 26 do stand part of the Bill, put and agreed to.

Clause 27: Security of Custodial Centres.

- (1) There shall be provided monitoring devices to protect, control and safeguard correctional activities, including observatory towers, double perimeter walls, close circuit television, body scanners, e-monitoring devices, electrically activated alarm systems and instruments of restraint.
- (2) The Correctional Service shall establish and maintain a fully equipped armed squads unit, intelligence and investigation unit to enhance security, surveillance, monitoring, intelligence gathering and protection.
- (3) In deploying the facilities in subsection (1), priority shall be given to the security requirements of Maximum Security Custodial Centres.

Committee's Recommendation:

That the provision in Clause 27 be retained (*Senator Andy E. Uba — Anambra South*) — *Agreed to.*

Question that Clause 27 do stand part of the Bill, put and agreed to.

Clause 28: Acts Detrimental to the Security of Custodial Centres.

- (1) A person commits an offence if he:
 - (a) brings, throws or otherwise introduces into a Correctional Centre, gives to or takes from an inmate, any alcoholic beverage, tobacco, intoxicating or poisonous drug or prohibited article;
 - (b) communicates or attempts to communicate with an inmate without permission of the Custodial Centre Superintendent;
 - (c) procures or facilitates the procurement of communication devices for an inmate or makes conversation or aids the making of conversation through mobile phone and other devices to an inmate other than as provided in the Correctional Standing Orders and other related correctional policies;

- (d) is found in possession of any article which has been supplied to a Correctional Centre Officer for the execution of his duty or any other Correctional Centre property and fails to account satisfactorily for his possession of the article, or without due authority purchases or receives any property from a Correctional Officer, aids or abets a Correctional Officer to conceal or dispose of any property;
 - (e) by any means directly or indirectly, procures or attempts to procure or persuade an inmate to desert, or aids, abets or is an accessory to the desertion by an inmate, or having reason to believe that an inmate is a deserting inmate harbours that person or aids in the inmate's concealment or rescue;
 - (f) directly or indirectly instigates, commands, counsels or solicits any mutiny, sedition or disobedience to a lawful command of a senior Correctional Officer by a Correctional Officer, or maliciously endeavours to seduce any Correctional Officer from his allegiance or duty;
 - (g) knowingly harbours in his house or land or otherwise, or knowingly employs any person under sentence of imprisonment who is at large; and
 - (h) interferes with an inmate working outside the Correctional Centre or allows such an inmate to enter a house, yard or other premises (unless it is at the request of the Correctional Officer and other person in charge of the inmate) or assist such an inmate to be absent or neglect his work.
- (2) Any person who commits an offence:
- (a) under subsection (1) (a) and (h), is liable on conviction to a fine not exceeding N1,000,000 or to imprisonment for a period not exceeding 12 months, or both;
 - (b) under subsections (1) (b), (c), (e) and (g), is liable on conviction to a fine not exceeding N3,000,000 or to imprisonment for a term not exceeding three year or both;
 - (c) under subsection (1) (d), is liable on conviction to a fine not exceeding N2,000,000 or to imprisonment for a term not exceeding two years or both; and
 - (d) under subsection (1) (f), is liable on conviction to a fine not exceeding N5,000,000 or to imprisonment for a period not exceeding four years, or both;
- (3) The Correctional Officer may arrest such person and hand him over as soon as practicable to a police officer, who shall proceed as if the offence had been committed in his presence.

Committee's Recommendation:

That the provision in Clause 28 be retained (*Senator Andy E. Uba — Anambra South*) — *Agreed to.*

Question that Clause 28 do stand part of the Bill, put and agreed to.

Clause 29: Inmates Ration and Welfare.

- (1) There shall be for the Correctional Service funds appropriated for inmates' feeding as provided by the government.
- (2) Subject to subsection (1), the cost of feeding shall be reviewed at a period not exceeding five years from the date of last review or as the national economic circumstance permits.
- (3) There shall be the provision of basic needs to meet the minimum standards for the treatment of inmates which includes accommodation, feeding, potable water, hygiene, sewage disposal, clothing and toiletries.
- (4) The Controller-General shall be provided with the funds and other resources to meet these minimum requirements under subsection (3).

Committee's Recommendation:

That the provision in Clause 29 be retained (*Senator Andy E. Uba — Anambra South*) — *Agreed to.*

Question that Clause 29 do stand part of the Bill, put and agreed to.

Clause 30: Escape of an Inmate.

- (1) A Correctional Officer from whose lawful custody an inmate escapes, commits an offence unless he has taken adequate measures at all times to prevent such escape, and the burden of proving that such adequate measures were taken in the case lies on the Correctional Officer concerned.
- (2) Where the person who escaped from the custody of a Correctional Officer is under a sentence of death or imprisonment for life or is charged with or has been detained on suspicion of having committed an offence punishable with death or imprisonment for life, the Officer concerned, if found culpable, commits a felony and shall be prosecuted.

Committee's Recommendation:

That the provision in Clause 30 be retained (*Senator Andy E. Uba — Anambra South*) — *Agreed to.*

Question that Clause 30 do stand part of the Bill, put and agreed to.

Clause 31: Inmates Serious Bodily Injury and Death in Custody.

- (1) All death in custody shall be immediately reported to the State Controller of Correctional Service by the officer in charge for further communication to the Controller General.
- (2) Where an inmate dies or suffers serious bodily injury, the State Controller of Correctional Service shall:
 - (a) investigate the incident and notify the next of kin, the police and the court;
 - (b) report to the Controller-General who shall inform the Minister.
- (3) An inquest shall be instituted in all cases of deaths in custody to ascertain the nature and circumstances of the death.
- (4) Where the investigation reveals that the injury or death was caused by the negligence or unlawful action of a Correctional Officer:
 - (a) the Correctional Officer shall be suspended and handed over for prosecution;

- (b) the officer's immediate supervising officer shall be sanctioned; and
- (c) the Correctional Service shall:
 - (i) pay appropriate compensation as may be determined by the panel of inquiry or a court of competent jurisdiction to the victim or the family of the victim whichever is applicable, and
 - (ii) cover the cost of all hospital and associated expenditure and, in the case of death, all expenditure related to burial rites as may be determined by the panel of inquiry or a court of competent jurisdiction.

Committee's Recommendation:

That the provision in Clause 31 be retained (*Senator Andy E. Uba — Anambra South*) — *Agreed to.*

Question that Clause 31 do stand part of the Bill, put and agreed to.

Clause 32: Power to Make Regulations and Standing Orders.

- (1) The Controller-General shall, for the purpose of carrying into effect the provisions of this Bill, make:
 - (a) regulations with respect to the organisation and administration of correctional facilities;
 - (b) standing orders for the good order, discipline and welfare of staff and inmates; and
 - (c) any other administrative action as may be deemed necessary for the effective implementation of the provisions of this Bill.
- (2) In relation to subsection (1), specialised civil society groups may provide technical and advisory support to the Controller-General.

Committee's Recommendation:

That the provision in Clause 32 be retained (*Senator Andy E. Uba — Anambra South*) — *Agreed to.*

Question that Clause 32 do stand part of the Bill, put and agreed to.

Clause 33: Female Inmates.

- (1) There shall be a provision of separate facilities for female inmates in all States of the Federation.
- (2) The Correctional Service shall provide all necessary facilities to address the special needs such as medical and nutritional needs of female inmates including pregnant women, nursing mothers and babies in custody.
- (3) Subsection (2) shall include the provision of a crèche in every female Custodial Centre for the wellbeing of babies in custody with their mothers, as well as prenatal, antenatal health care and sanitary provisions for female inmates.
- (4) All female inmates shall undergo pregnancy tests on the first day of admission or as soon as possible but not exceeding 14 days from the date of admission and where the test is positive, the inmate shall be provided with the necessary medical care and support.

- (5) Where a female inmate is found to be pregnant while in custody, an investigation, including DNA analysis where needed, shall be conducted to ascertain who is responsible and the perpetrator shall be prosecuted.
- (6) Notwithstanding the provisions section, babies shall not remain in custodial facilities beyond 18 months, after which such babies shall be handed over to the families of the inmates, in the absence of which they shall be taken to designated welfare centres.

Committee's Recommendation:

That the provision in Clause 33 be retained (*Senator Andy E. Uba — Anambra South*) — *Agreed to.*

Question that Clause 33 do stand part of the Bill, put and agreed to.

Clause 34: Juvenile Offenders.

- (1) Young offenders shall not be kept in adult custodial facilities.
- (2) The Correctional Service shall establish separate male and female Borstal Training Institutions for juvenile offenders in all the States of the Federation and their treatment, including rehabilitation, shall be the underlying principle for the custody.
- (3) The facilities established under subsection (2) shall serve as rehabilitation and correctional centres for the purpose of processing, confinement and treatment of juveniles and young offenders.

Committee's Recommendation:

That the provision in Clause 34 be retained (*Senator Andy E. Uba — Anambra South*) — *Agreed to.*

Question that Clause 34 do stand part of the Bill, put and agreed to.

Clause 35: Legal Action Against the Correctional Service.

- (1) Where any action, prosecution or other proceeding is commenced against any person for any act done in pursuance or execution or intended execution of any Act, Law any public duty or authority, or in respect of the alleged neglect or default in the execution of the Act, Law, duty or authority, the provisions of subsection (2) shall have effect.
- (2) In furtherance of subsection (1):
 - (a) the action, prosecution, or proceeding shall not lie or be instituted unless it is commenced within three months after the act, neglect or default complained of, or in case of a continuance act of damage or injury, within three months after the ceasing thereof; and
 - (b) if the action, prosecution or proceeding is at the instance of any person for causes arising while such person was a convicted inmate, it may be commenced within three months after the discharge of such person from custody.
- (3) Without prejudice to the powers of the Attorney-General of the Federation, the Legal officers employed by the Correctional Service shall provide legal representation and advice to the Correctional Service on all matters including those applicable to subsections (1) and (2), as may be required.
- (4) Subsection (3) is without prejudice to the Correctional Service engaging the services of other lawyers outside the Correctional Service.

Committee's Recommendation:

That the provision in Clause 35 be retained (*Senator Andy E. Uba — Anambra South*) — *Agreed to.*

Question that Clause 35 do stand part of the Bill, put and agreed to.

PART II - NIGERIAN NON-CUSTODIAL SERVICE**Clause 36: Nigerian Non-Custodial Service.**

- (1) The Nigerian Non-Custodial Service shall be responsible for the administration of non-custodial measures including:
 - (a) community service;
 - (b) probation;
 - (c) parole;
 - (d) restorative justice measures; and
 - (e) any other Non-Custodial Measures assigned to the Correctional Service by a court of competent jurisdiction.
- (2) There shall be the National Committee on Non-Custodial Measures to be appointed by the President and Constituted by the National Assembly.
- (3) The National Committee on Non-Custodial Measures shall consist of:
 - (a) the Controller-General;
 - (b) Deputy Controller-General in charge of Non-Custodial Service;
 - (c) a retired High Court Judge;
 - (d) the Director of Social Welfare, Federal Ministry of Youth and Sports;
 - (e) the Director of Youths, Federal Ministry of Youth and Sports;
 - (f) the Inspector-General of Police or his representative, not below the rank of Commissioner;
 - (g) a representative from the:
 - (i) Ministry of Interior not below the rank of a Deputy Director;
 - (ii) Ministry of Justice not below the rank of a Deputy Director; and
 - (iii) Administration of Justice Monitoring Committee; and
 - (h) three representatives of non-governmental organisations working in the relevant sector.
- (4) The Chairperson and the members of the National Committee on Non-Custodial Measures shall serve a term of four years renewable for another term of four years and no more.
- (5) The National Committee on Non-Custodial Measures shall establish the technical committees on:
 - (a) parole;

- (b) probation;
- (c) community service;
- (d) restorative justice measures; and
- (e) any other thing as may be determined by the National Committee on Non-Custodial Measures.

Committee's Recommendation:

That the provision in Clause 36 be retained (*Senator Andy E. Uba — Anambra South*) — *Agreed to.*

Question that Clause 36 do stand part of the Bill, put and agreed to.

Clause 37: The Functions of the National Committee on Non-Custodial Measures.

- (1) The National Committee on Non-Custodial Measures shall:
 - (a) coordinate the implementation of non-custodial measures with the Judiciary and other relevant agencies;
 - (b) monitor and propose measures for effective operation of non-custodial measures;
 - (c) receive and consider any complaint or view from offenders, victims and affected communities, and make recommendations, where possible, on the nature of non-custodial measures; and
 - (d) perform any other function required for the proper implementation of the Bill.
- (2) The Controller-General shall, in consultation with State and Federal Capital Territory Authority, and with the approval of the National Committee on Non-Custodial Measures, appoint State Committees on Non-Custodial Measures.
- (3) The functions of the State and Federal Capital Territory Committees shall align with those of the National Committee on Non-Custodial Measures.
- (4) The proposal stated in subsection (1) (b) shall be made available to:
 - (a) the Controller General;
 - (b) the Chairperson of the Administration of Criminal; Justice Monitoring Committee;
 - (c) the Minister of Justice;
 - (d) Minister responsible for social welfare; and
 - (e) any other body as may be determined by the National Committee on Non-Custodial Measures.

Committee's Recommendation:

That the provision in Clause 37 be retained (*Senator Andy E. Uba — Anambra South*) — *Agreed to.*

Question that Clause 37 do stand part of the Bill, put and agreed to.

Clause 38: Regulations and Guidelines.

The Controller-General shall make regulations prescribing:

- (a) the duties of the supervising officer for each of the non-custodial measures stated in section 43; and
- (b) any other matter that is necessary for the proper implementation of this Bill.

Committee's Recommendation:

That the provision in Clause 38 be retained (*Senator Andy E. Uba — Anambra South*) — *Agreed to.*

Question that Clause 38 do stand part of the Bill, put and agreed to.

Clause 39: Parole.

The Controller-General shall administer the parole process including:

- (a) the appointment of members of the parole board;
- (b) supervision of parolees;
- (c) rehabilitation of the parolees;
- (d) administration of the designated parole facilities; and
- (e) undertake any other step for the proper implementation of this provision and other non-custodial measures.

Committee's Recommendation:

That the provision in Clause 39 be retained (*Senator Andy E. Uba — Anambra South*) — *Agreed to.*

Question that Clause 39 do stand part of the Bill, put and agreed to.

Clause 40: Probation.

(1) The probation services shall include the:

- (a) production of pre-sentencing report;
- (b) supervision of convicts on probation order as assigned by a court of competent jurisdiction;
- (c) production of pre-release report to facilitate reintegration of the offender; and
- (d) provision of any other support service as may be required.

Committee's Recommendation:

That the provision in Clause 40 be retained (*Senator Andy E. Uba — Anambra South*) — *Agreed to.*

Question that Clause 40 do stand part of the Bill, put and agreed to.

Clause 41: Community Service.

(1) The Controller-General shall:

- (a) appoint supervisors to monitor those sentenced to community service;
- (b) receive regular reports from supervisors indicating status of compliance with the court order; and
- (c) report all cases of non-compliance submitted to him by the designated community service supervisors to the appropriate court for action.

- (2) Subsection (1) (b) shall include reports on a number of completed community services.
- (3) Notwithstanding any provision of this Bill, all offenders serving punishment of imprisonment imposed on them within the last six months before the coming into force of this Bill may be allowed to apply for community service, if eligible.

Committee's Recommendation:

That the provision in Clause 41 be retained (*Senator Andy E. Uba — Anambra South*) — *Agreed to.*

Question that Clause 41 do stand part of the Bill, put and agreed to.

Clause 42: Restorative Justice Measures.

- (1) The Controller-General shall provide the platform for restorative justice measures including:
 - (a) victim-offender mediation;
 - (b) family group conferencing;
 - (c) community mediation; and
 - (d) any other mediation activity involving victims, offenders and, where applicable, community representatives.
- (2) In furtherance to subsection (1), the Correctional Service shall liaise with the court and other relevant agencies in the provision of these activities.
- (3) Restorative justice services may occur:
 - (a) at pre-trial stage;
 - (b) at trial stage;
 - (c) during imprisonment; and
 - (d) at post-imprisonment.
- (4) The Correctional Service shall appoint supervisors to monitor the implementation of activities stated under subsections (1) and (3).

Committee's Recommendation:

That the provision in Clause 42 be retained (*Senator Andy E. Uba — Anambra South*) — *Agreed to.*

Question that Clause 42 do stand part of the Bill, put and agreed to.

Clause 43: Funding of Non-custodial Measures.

There shall be the Special Non-Custodial Fund to be administered by the Non-Custodial Committee into which there shall be paid:

- (a) such sums as may be provided by the Government of the Federation or a State for payment into the Fund;
- (b) such sums as may be paid by way of contribution under or pursuant to the provisions of this Bill or any other enactment
- (c) all sums accruing to the Non-Custodial Service by way of gifts, testamentary disposition, contributions from philanthropic persons or organisations; and

- (d) 5% of all fines paid to the Federal Courts.

Committee's Recommendation:

That the provision in Clause 43 be retained (*Senator Andy E. Uba — Anambra South*) — *Agreed to.*

Question that Clause 43 do stand part of the Bill, put and agreed to.

Clause 44: Repeal of Cap P 29 LFN, 2004.

- (1) The Prisons Act Cap P 29 Laws of the Federation of Nigeria, 2004 is repealed.
- (2) Without prejudice to section 6 of the Interpretation Act, the repeal of the enactment referred to in subsection (1) does not affect anything done under or pursuant to that enactment.
- (3) The saving and transitional provisions of the Second Schedule to this Act shall have effect notwithstanding any other provision of this Bill.

Committee's Recommendation:

That the provision in Clause 44 be retained (*Senator Andy E. Uba — Anambra South*) — *Agreed to.*

Question that Clause 44 do stand part of the Bill, put and agreed to.

Clause 45: Interpretation.

In this Bill:

"afflictive nature" means any circumstance which causes grievous physical or mental suffering, pain or distress;

"Chief Judge" means the Chief Judge of the Federal High Court, the High Court of Federal Capital Territory and a State High Court;

"communication device" means any equipment that aids the analog, digital or wireless transmission of data, including mobile phones, tablets, laptops or Bluetooth devices;

"Controller-General" means the Controller-General of the Nigerian Correctional Service;

"Correctional Centre" means a prison or any centre that serves as a place for detention, imprisonment or incarceration aimed at promoting a reformation, rehabilitation and reintegration of inmates;

"correctional officers" means officers of the Nigerian Correctional Service (Officers of the Nigerian Custodial Service and the Nigerian Non-Custodial Service);

"custodial center" is a place where individuals sentenced by the court requiring imprisonment are kept or those remanded in custody by the order of the court are kept. This may be used interchangeably with "custodial facility" or

"custodial institution" for the purposes of this Bill;

"custodial officer" means officer of whatever rank appointed under Part I of this Bill;

"custodial service" is the aspect of the Nigerian Correctional Service that administers or supervises individuals or persons remanded in custody;

"custodial superintendent" means the Custodial Officer in charge of the Custodial Centre;

"function" includes powers and duties;

"inmate" means any person lawfully committed to custody;

"juvenile offender" means an offender below the age of eighteen;

"medical officer" in relation to a Custodial Centre includes a person directed under this Bill to perform the functions of a medical officer in respect of that Custodial Officer;

"Minister" means the Minister charged with responsibility for the Nigerian Correctional Service;

"motorized formation" includes vehicles to convey inmates, escort officers, armed squad personnel, and back-up vehicles;

"non-custodial officer" means supervisors and other officers appointed to administer Non-Custodial Measures under Part II of this Bill;

"non-custodial service" is an aspect of the Nigerian Correctional Service that serves as an alternative to going to a custodial center (prison).

"Non-Custodial Centres" refer to designated centres in the community for the administration of non-custodial measures;

"public holiday" includes Saturday and Sunday and days officially declared as such;

"requisite health facilities" shall include sanitary installations adequate to enable every inmate to comply with the needs of nature when necessary and in a clean and decent manner, adequate bathing and shower installations shall be provided so that every inmate may be enabled and required to bath or shower as frequently as necessary for health and cleanliness, and drinking water shall be available to every inmate whenever the inmate needs it;

"sentence of imprisonment" means any sentence involving confinement in a prison (whether or not it is combined with labour of any kind) and includes a sentence given by way of communication as well as an original sentence passed by Court;

"Service" means the Nigerian Correctional Service;

"sheriff" means the officer responsible to carry out the capital punishment ordered by the Court of competent jurisdiction as stipulated in the Sheriff and Civil Process Act;

"slavery" or "servitude" means forced labour, bondage imposed, or the involuntary subjection of one to another or others;

"State" means a state of the Federation and shall include the Federal Capital Territory; and

"State Authority" means the Governor of a State and the State Authority in relation to a person confined in Custodial Centre.

Committee's Recommendation:

That the provision in Clause 45 be retained (*Senator Andy E. Uba — Anambra South*) — *Agreed to.*

Question that Clause 45 do stand part of the Bill, put and agreed to.

Clause 46: Citation.

This Bill may be cited as the Nigerian Correctional Service Bill, 2018.

Committee's Recommendation:

That the provision in Clause 46 be retained (*Senator Andy E. Uba — Anambra South*) — *Agreed to.*

Question that Clause 46 do stand part of the Bill, put and agreed to.

FIRST SCHEDULE***Section 9 (3)*****CLASSIFICATION OF CUSTODIAL CENTERS AND INMATES*****Maximum Security Custodial Centre***

This refers to a Custodial Centre with an enhanced level of security including the use of close circuit television, electric fencing, electronic scanners and high level technology, reserved for high risk inmates of all classes.

Medium Security Custodial Centre

This refers to a Custodial Center with a reasonable level of security reserved for inmates of all classes.

Open Custodial Centres

Special Custodial Centres for the treatment of long term-first offenders.

Farm Centres

For convicts with good conduct who have six months or less to serve.

Satellite Custodial Facilities

For convicts serving three months imprisonment or less; and awaiting trial persons charged for minor offences who are required to be presented in courts in locations without major custodial facilities.

Borstal Institutions

For the detention and treatment of juvenile offenders.

Female Custodial Facilities

For all classes of female inmates.

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

SECOND SCHEDULE***Section 45 (3)******Saving and Transitional Provisions***

1. All prisons declared under the repealed prisons Act Cap P29, Laws of the Federation of Nigeria, 2004 shall be deemed to have been declared under this Bill.

2. Subsidiary legislation made or deemed to have been made under the repealed Prisons Act Cap. P29, Laws of the Federation of Nigeria, 2004 if it was in force immediately before the commencement of this Bill, shall continue to be in force with necessary modifications and may be amended or revoked as if it has been made under this Bill.
3. The rights, assets, obligations and liabilities of the Prison Officers Reward Fund as established by the repealed Prisons Act Cap. 29, Laws of the Federation of Nigeria, 2004 shall at the commencement of this Bill, vest in and devolve upon the fund as contained in this Bill.

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

Chairman to report Bill.

(SENATE IN PLENARY)

The Deputy Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Interior on the Prisons Act CAP P22 LFN 2004 (Repeal and Re-Enactment) Bill, 2018 and approved as follows:

Clauses 1- 46 — As Recommended

Schedules 1 & 2 — 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.

18. Committee on Tertiary Institutions and TETFUND:

Report on the Federal Polytechnic Item, Abia State (Establishment, etc.) Bill 2018 (SB. 520):

Motion made: That the Senate do receive and consider the Report of the Committee on Tertiary Institutions and TETFUND on Federal Polytechnic Item, Abia State (Establishment, etc.) Bill 2018 (*Senator Binta Masi Garba — Adamawa North*)

Question put and agreed to.

Report presented.

Motion made: That the Senate do resolve into 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 PROVIDE FOR THE ESTABLISHMENT OF THE FEDERAL POLYTECHNIC ITEM, ABIA STATE; AND FOR OTHER MATTERS CONNECTED THEREWITH, 2018.

Clause 1: Establishment of the Federal Polytechnic Item, Abia State.

- (1) There is hereby established the Federal Polytechnic Item, Abia State which shall have such powers and exercise such functions as is conferred on it by this Act.

- (2) The Polytechnic shall be a body corporate with perpetual succession and a common seal and shall have power to acquire and dispose of interests in movable and immovable property and may sue and be sued in its corporate name.

Committee's Recommendation:

That the provision of Clause 1 be retained (*Senator Binta Masi Garba — Adamawa North*) – Agreed to.

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

Clause 2: Functions of the Polytechnic.

- (1) The functions of the polytechnic shall be:
- (a) To provide full-time and part-time courses of instruction and training to produce middle and high level manpower:
 - (i) in technology, applied science, commerce and management; and
 - (ii) in such other fields of applied learning relevant to the needs of the development of Nigeria in the areas of industrial and agricultural production and distribution and for research in the development and adaptation of techniques as the Council may from time to time determine;
 - (b) to arrange conference, seminars and study groups relative to the fields of learning specified in paragraph (a) of this subsection(1);
 - (c) to perform such other functions as in the opinion of the Council may serve to promote the objectives of the polytechnic.
- (2) Nothing in this section shall preclude the government of a State or any of its agencies from setting up a polytechnic similar to any polytechnic established under this Act.

Committee's Recommendation:

That the provision of Clause 2 be retained (*Senator Binta Masi Garba — Adamawa North*) – Agreed to.

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

Clause 3: Establishment and Constitution of the Council, etc.

- (1) There shall be established for the polytechnic a Governing Council.
- (2) The Council shall consist of a Chairman and the following other members:
- (a) Four persons representing a variety of interests and broadly representative of the whole federation, at least one of whom shall be a woman;
 - (b) one person to representing the alumni association;
 - (c) A representative of the community where the polytechnic is situated;
 - (d) The Rector;
 - (e) The Deputy Rector(s);

- (f) one person representing the Federal Ministry of Education or regulatory agency;
- (g) Two persons not below the rank of Chief Lecturer elected by the Academic Board from among its members;
- (h) Three persons not below the rank of Senior Lecturer or its equivalent elected by the Congregation from among its members in which one shall be non-teaching staff.
- (3) (i) The Chairman and members of the Council other than ex-officio members shall be appointed by the President and Commander-in-Chief of the Armed Forces.
- (ii) Persons to be appointed to the Council shall be persons of proven integrity, knowledgeable and acquainted with the working and tradition of the Technical and Vocational education.
- (4) Any member of the Council other than an ex-officio member shall hold office for a period of three years at the first instance and may be eligible for re-appointment for another period of three years and no more.
- (5) The governance structure of the polytechnic shall be composed of:
 - (a) Governing Council;
 - (b) Academic Board;
 - (c) Management Committee;
 - (d) School Board; and
 - (e) Departmental Board.
- (6) The provisions set out in the First Schedule to this Bill, shall apply in relation to the Council, governance structure and other matters therein specified.

Committee's Recommendation:

That the provision of Clause 3 be retained (*Senator Binta Masi Garba — Adamawa North*) – Agreed to.

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

Clause 4: Visitation.

- (1) The President and Commander-in-Chief of the Armed Forces shall be the Visitor to the Polytechnic.
- (2) The Visitor shall, not less than once in every five years, conduct a visitation of the college or appoint a Visitation Panel, consisting of not less than five experts, to conduct the visitation-
 - (a) for the purpose of evaluating the academic and administrative performance of the polytechnic;
 - (b) for such other purpose or in respect of any other affairs of the polytechnic as the Visitor may deem fit. [1993 No. 5]

Committee's Recommendation:

That the provision of Clause 4 be retained (*Senator Binta Masi Garba — Adamawa North*) – Agreed to.

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

Clause 5: Registrar of the Polytechnic.

- (1) There shall be a Registrar to the polytechnic who shall be responsible to the Rector for the day-to-day administration of the polytechnic and shall perform such other duties as the Council or as the case may be, the Rector may from time to time require him.
- (2) The Registrar shall be the secretary to the Council, the Academic Board and any committee of the Council and shall attend all the meetings of those bodies unless excused for good reason by the chairman of the Council.
- (3) In the absence of the Registrar, the Chairman of the Council may, after consultation with the Rector, appoint a suitable person to act as secretary for any particular meeting of the Council.
- (4) The Secretary to the Council or a person appointed to act under subsection (3) of this section, shall not vote on any question before the Council or count towards a quorum unless he is so entitled as a member of the Council.

Committee's Recommendation:

That the provision of Clause 5 be retained (*Senator Binta Masi Garba — Adamawa North*) – Agreed to.

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

Clause 6: Tenure of Office of the Registrar.

- (1) A Registrar shall hold office for a single tenure of five years beginning from the effective date of his appointment and on such terms and conditions as may be specified in the letter of his appointment;
- (2) Where a Registrar has held office for five years or less on the commencement of this Act, he shall be deemed to have been serving his final term of office.

Committee's Recommendation:

That the provision of Clause 6 be retained (*Senator Binta Masi Garba — Adamawa North*) – Agreed to.

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

Clause 7: General functions of the Council.

- (1) Subject to provision of this Act, the Council shall be the governing body of the polytechnic concerned and shall have the general management of the affairs of the polytechnic, and in particular, the control of the property and finances of the polytechnic; and shall have power to do anything which in its opinion is calculated to facilitate the carrying out of the activities of the polytechnic and promote its best interests.
- (2) The Council may acquire and hold such movable or immovable property as may be necessary or expedient for carrying into effect the provisions of this Act, and for the same purpose may sell, lease, mortgage or otherwise alienate or dispose of any property so acquired.

- (3) The Council may enter into such contracts as may be necessary or expedient for carrying into effect the provisions of this Act.
- (4) The Minister may give to the Council directions of a general character or relating generally to particular matters (but not any individual person or case) with regard to the exercise by the Council of its functions and it shall be the duty of the Council to comply with the directions.

Committee's Recommendation:

That the provision of Clause 7 be retained (*Senator Binta Masi Garba — Adamawa North*) – Agreed to.

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

Clause 8: The Rector of the Polytechnic.

- (1) There shall be a Rector of the polytechnic ("the Rector") who shall be appointed by the President, Commander-in-Chief of the Armed Forces in accordance with the provision of this section.
- (2) Where a vacancy occurs in the post of the Rector, the Council shall:
 - (a) advertise the vacancy not later than six (6) months to the expiration of the term of the seating Rector in not less than two national newspapers in Nigeria, specifying:
 - (i) the qualifications of the persons who may apply for the post, which shall be a Chief Lecturer in the Polytechnic sector with at least five years of experience on that position among other criteria ; and
 - (ii) the terms and conditions of service applicable to the post, and thereafter, draw up a short list of suitable candidates for consideration;
 - (b) constitute a Search Team consisting of:
 - (i) a member of the Council, not being a member of the Academic Board, as Chairman;
 - (ii) two members of the Academic Board, not below the rank of Chief Lecturer;
 - (iii) two members of Academic Staff not below the rank of Chief Lecturers to be elected from among its members.
- (3) A Joint Council, Academic Board and Congregation Selection Board consisting of:
 - (a) the Chairman of the Council;
 - (b) two members of the Council not being members of the Academic Board;
 - (c) two members of the Academic Board not below the rank of Chief Lecturer, who were not members of the Search Team elected among its members; and
 - (d) two members of the Congregation not below the rank of Chief Lecturer who were not members of the Search Team elected among its members, shall consider the candidates on the short list drawn up under subsection (2) of this section through an examination of their

curriculum vitae and interaction with them and recommend in order of performance ranking through the Council, to the President and Commander-in-Chief of the Armed Forces, three candidates for his consideration.

- (4) The President shall appoint, as Rector, one of the candidates recommended to him under the provisions of subsection (3) of this section.
- (5) Subject to this Act and the general control of the Council, the Rector shall be the Chief Executive of the Polytechnic and shall be charged with general responsibility for matters relating to the day-to-day management operations of the polytechnic.
- (6) The Rector shall:
 - (a) (i) hold office for a single term of five years beginning with the effective date of his appointment and on such terms and conditions as may be specified in his letter of appointment”
 - (ii) where a Rector was appointed on four-year tenure on the commencement of this Act, his tenure shall be extended for a period of one year to complete the single-tenure of five years in line with subsection (6a) above.
 - (iii) where a Rector is serving second tenure of four years on the commencement of this Act, he shall be deemed to have been serving his final term of office.
 - (b) have power to exercise general authority over staff and be responsible for discipline in the polytechnic; and
 - (c) his remuneration shall be determined by the National Salaries and Wages Commission.

Committee's Recommendation:

That the provision of Clause 8 be retained (*Senator Binta Masi Garba — Adamawa North*) – *Agreed to.*

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

Clause 9: Deputy Rectors.

- (1) There shall be for the polytechnic such number of Deputy Rectors as the Council may, from time to time, deem necessary for the proper administration of the Polytechnic.
- (2) Where a vacancy occurs in the post of Deputy Rector, the Rector shall forward to the Academic Board a list of two candidates for each post of Deputy Rector that is vacant.
- (3) The Academic Board shall elect for each vacant post one candidate from each list forwarded to it under subsection (2) of this section and forward his name to the Council for confirmation.
- (4) Where-
 - (a) the Academic Board rejects the two candidates forwarded to it by the Rector under subsection (2) of this section, the Rector shall submit another list.

- (b) the Council rejects the name sent to it under subsection (3) of this section, the Academic Board shall send the name of the other candidate on the list forwarded to it by the Rector under subsection (2) of this section.
- (5) The Deputy Rector(s) shall:
 - (a) assist the Rector in the performance of his functions;
 - (b) act in the place of the Rector when the post of Rector is vacant or if the Rector is for any reason absent or unable to perform their functions as Rector; and
 - (c) perform such other functions as the Rector or the Council may from time to time assign to him.
- (6) The Deputy Rectors:
 - (a) shall hold office for a single tenure of four years beginning from the effective date of his appointment and on such terms and conditions as may be specified in his letter of appointment.
 - (b) where a Deputy Rector was appointed on two year tenure on the commencement of this Act, his tenure shall be extended for a period of two years to complete the single-tenure of four years in line with subsection (6a) above.
 - (c) where a Deputy Rector is serving second tenure of two years on the commencement of this Act, he shall be deemed to have been serving his final term of office.

Committee's Recommendation:

That the provision of Clause 9 be retained (*Senator Binta Masi Garba — Adamawa North*) - Agreed to.

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

Clause 10: Other Principal Officers of the Polytechnic

- (1) There shall be for the polytechnic the following other principal officers in addition to the Deputy Rector(s):
 - (a) the Registrar;
 - (b) the Bursar; and
 - (c) the polytechnic Librarian,who shall be appointed by the Council on the recommendation of the Selection Board constituted under section 12 of this Act.
- (2) The Bursar shall be the Chief Financial Officer of the polytechnic and be responsible to the Rector for the day-to-day administration and control of the financial affairs of the polytechnic.
- (3) The polytechnic Librarian shall be responsible to the Rector for the administration of the polytechnic library and the co-ordination of the library services in the teaching units of the polytechnic.

- (4) The Bursar or Librarian-
- (a) shall hold office for a single tenure of five years beginning from the effective date of his appointment and on such terms and conditions as may be specified in his letter of appointment;
 - (b) where a Bursar or Librarian has held office for five years or less on the commencement of this Act, he shall be deemed to have been serving his final term of office.

Committee's Recommendation:

That the provision of Clause 10 be retained (*Senator Binta Masi Garba — Adamawa North*) – *Agreed to.*

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

Clause 11: Resignation of Appointment of Principal Officers.

A Principal Officer may resign his appointment:

- (a) In the case of the Rector, by notice to the Visitor;
- (b) In any other case;

by notice to the Council.

Committee's Recommendation:

That the provision of Clause 11 be retained (*Senator Binta Masi Garba — Adamawa North*) – *Agreed to.*

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

Clause 12: Selection Board for Other Principal Officers.

- (1) There shall be, for the Polytechnic a Selection Board which shall consist of:
 - (a) the chairman of the Council;
 - (b) the Rector;
 - (c) four members of the Council not being members of the Academic Board;
 - (d) two members of the Academic Board not being members of Council and not below the rank of Chief Lecturer elected from among its members; and.
 - (e) three members of the congregation not below the rank of Principal Lecturer or its equivalent elected from among its members in which one shall be non-teaching staff.
- (2) The functions and procedure and other matters relating to the Selection Board constituted under subsection (1) of this section shall be as the Council may, from time to time, determine.

Committee's Recommendation:

That the provision of Clause 12 be retained (*Senator Binta Masi Garba — Adamawa North*) – *Agreed to.*

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

Clause 13: Other Employees of the Polytechnic.

- (1) The Council may appoint such other persons to be employees of the polytechnic as the Council may determine to assist the Rector and the principal officers of the polytechnic in the performance of their functions under this Act.
- (2) The power to appoint all other employees of the polytechnic shall be exercised:
 - (a) in the case of senior employees, by the Council on the recommendation of Appointment and Promotions Committee set up under the provisions of paragraph 3(2)(a) of the First Schedule to this Act;
 - (b) in the case of junior employees, by the Rector on the recommendation of the Junior Staff Appointment and Promotions Committee constituted under paragraph 3(2)(b) of the First Schedule to this Act.
- (3) Subject to the provisions of this Act, the remuneration, tenure of office and conditions of service of the employees of the Council shall be determined by the Council in consultation with the Federal Civil Service Commission.

Committee's Recommendation:

That the provision of Clause 13 be retained (*Senator Binta Masi Garba — Adamawa North*) – Agreed to.

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

Clause 14: Application of the Pensions Act.

- (1) The Federal Civil Service Commission may by order published in the Federal Gazette declare the office of the Rector or any other person employed by the Council to be a pensionable office for the purposes of the Pensions Act.

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- (2) Nothing in the provisions of subsection (1) of this section shall prevent the appointment of any person to any office on terms which preclude the grant of a pension or gratuity in respect of service in that office.
- (3) A law or rule requiring a person to retire from the Public Service after serving for thirty five (35) years or having attained the age of 60 years in service, shall not apply to staff of Polytechnic.
- (4) Notwithstanding anything to the contrary contained in the Pensions Reform Act, the compulsory retirement age of staff of Polytechnic shall be sixty-five (65) years.

Committee's Recommendation:

That the provision of Clause 14 be retained (*Senator Binta Masi Garba — Adamawa North*) – Agreed to.

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

Clause 15: Establishment of the Academic Board

- (1) There shall be established for the polytechnic a board to be known as the Academic Board which shall consist of the following members:
 - (a) the Rector of the Polytechnic, as the Chairman;
 - (b) the Deputy Rector(s) of the polytechnic;

- (c) all Heads of Academic Departments and units;
 - (d) the Polytechnic Librarian;
 - (e) not more than two members of the academic staff who are not members of the Academic Board and not below the rank of Senior Lecturer elected from among its members, such members shall serve for non-renewable term of three (3) years.
 - (f) all Deans and academic Directors; and
 - (g) all Chief Lecturers.
- (2) The Academic Board shall be responsible for:
- (a) the direction and management of academic matters of the polytechnic including the regulation of admission of students, the award of certificates and diplomas, scholarships, prizes and other academic distinctions;
 - (b) the making to the Council of such periodic reports on such academic matter as the Academic Board may think fit or as the Council may from time to time direct; and
 - (c) the discharge of any other functions which the Council may delegates to it.

Committee's Recommendation:

That the provision of Clause 15 be retained (*Senator Binta Masi Garba — Adamawa North*) – *Agreed to.*

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

Tenure of Office

Clause 16: Removal from Office of Members of the Council and the Rector.

- (1) Where it appears to the Governing Council that a member of the Council other than an ex-officio member or the Rector should be removed from office on the ground of misconduct or inability to perform the functions of his office, the Council shall make a recommendation through the Minister to the Federal Executive Council approves of it, the Minister shall declare the office of such member or Rector vacant.
- (2) The Minister may recommend the removal of any member of the Governing Council or Rector to the Federal Executive Council, if he is satisfied that it is not in the interest of the Public or of the Polytechnic that such a person should continue as a member of the Council.
- (3) In case of vacancy in the office of the Rector, the Council shall appoint an acting Rector who shall not be in office for more than 6 months.
- (4) There shall be no sole administration in any Polytechnic in Nigeria.

Committee's Recommendation:

That the provision of Clause 16 be retained (*Senator Binta Masi Garba — Adamawa North*) – *Agreed to.*

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

Clause 17: Removal and Discipline of Academic, Administrative and Technical Staff.

- (1) If it appears to the Council that there are reasons for believing that any person employed as a member of the academic, administrative or technical staff of the polytechnic, other than the Rector, should be removed from office on the ground of misconduct or inability to perform the functions of his office, the Council shall —
- (a) give notice of those reasons to the person in question;
 - (b) afford him an opportunity of making representations in person on the matter to the Council; and
 - (c) if he or any three members of the Council so request within the period of one month beginning with the date of the notice, make arrangements:
 - (i) if he is an academic staff, for a joint committee of the Council and the Academic Board to investigate the matter and to report on it to the Council, or
 - (ii) for a committee of the Council to investigate the matter, where it relates to any other member of the staff of the polytechnic and to report on it to the Council; and
 - (iii) for the person in question to be afforded an opportunity of appearing before and being heard by the investigating committee with respect to the matter, and if the Council, after considering the report of the investigating committee, is satisfied that the person in question should be removed as aforesaid, the Council may so remove him by an instrument in writing signed on the directions of the Council.
- (2) The Rector may, in a case of misconduct by a member of the staff which in the opinion of the Rector is prejudicial to the interests of the polytechnic, suspend such member and any such suspension shall forthwith be reported to the Council.
- (3) For good cause, any member of staff may be suspended from office or his appointment may be terminated by the Council and for the purpose of this subsection, "good cause" means:
- (a) any physical or mental incapacity which the Council, after obtaining medical advice, considers to be such as to render the person concerned unfit for the discharge of the functions of his office;
 - (b) any physical or mental incapacity which the Council, after medical advice, considers to be such as to render the person concerned unfit to continue to hold his office;
 - (c) conduct of a scandalous or other disgraceful nature which the Council considers to be such as to render the person concerned unfit to continue to hold his office;
 - (d) conduct which the Council considers to be such as to constitute failure or inability of the person concerned to discharge the functions of his office or to comply with the terms and conditions of his service.

- (4) Any person suspended pursuant to subsection (2) or (3) of this section, shall be placed on half pay and the Council shall before the expiration of the period of three months after the date of such suspension consider the case against that person and come to a decision as to:—
- (a) whether to continue such person's suspension and if so on what terms (including the proportion of this emoluments to be paid to him);
 - (b) whether to reinstate such person, in which case the Council shall restore his full emoluments to him with effect from the date of suspension;
 - (c) whether to terminate the appointment of the person in question, in which case such a person, will not be entitled to the proportion of his emoluments withheld during the period of suspension;
 - (d) whether to take such lesser disciplinary action against such person (including the restoration of such proportion of his emoluments that might have been withheld) as the Council may determine, and in any case where the Council, pursuant to this section, decides to continue a person's suspension or decides to take further disciplinary action against a person, the Council shall before the expiration of a period of three months from such decision come to a final determination in respect of the case concerning any such person.
- (5) It shall be the duty of the person by whom an instrument of removal is signed in pursuance of subsection (1) of this section, to use his best endeavours to cause a copy of the instrument to be served as soon as reasonably practicable on the person to whom it relates.
- (6) Nothing in the foregoing provisions of this section shall prevent the Council from making such regulations for the discipline of other categories of staff and workers of the polytechnic as it may think fit.

Committee's Recommendation:

That the provision of Clause 17 be retained (*Senator Binta Masi Garba — Adamawa North*) – *Agreed to.*

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

Clause 18: Discipline of Students.

- (1) Subject to the provisions of this section, where it appears to the Rector that any student of the polytechnic has been guilty of misconduct, the Rector may, without prejudice to any other disciplinary powers conferred on him by this Act or regulations made hereunder direct: —
- (a) that the student shall not during such period as may be specified in the direction, participate in such activities of the polytechnic, or make use of such facilities of the polytechnic, as he may specify;
 - (b) that the activities of the student shall, during such period as may be specified in the directions, be restricted in such manner as may be so specified;
 - (c) that the student be suspended for such period as may be specified in the directions; and
 - (d) that the student be expelled from the polytechnic.

- (2) Where there is temporarily no Rector or where the Rector refuses to apply any disciplinary measures, the Council, either directly or through some other staff, may apply such disciplinary actions as are specified in subsection (1) of this section to any student of the polytechnic who is guilty of misconduct.
- (3) Where a direction is given under subsection (1)(c) or (d) of this section in respect of any student, the student may, within a period of 21 days from the date of the letter communicating the decision to him, appeal from the direction to the Council; and where such an appeal is brought, the Council shall, after causing such inquiry to be made in the matter as the Council considers just, either confirm or set aside the direction or modify it in such manner as the Council may think fit.
- (4) The fact that an appeal from a direction is brought in pursuance of subsection (3) of this section shall not affect the operation of the direction while the appeal is pending.
- (5) The Rector may delegate his power under this section to a disciplinary committee considering of such members of the polytechnic as he may nominate.
- (6) Nothing in this section shall be construed as preventing the restriction or termination of a student's activities at the polytechnic otherwise than on the ground of misconduct.
- (7) It is hereby declared that a direction under subsection (1)(a) of this section may be combined with a direction under subsection (1)(b) of this section.
- (8) In all cases under this section, the decision of the Council shall be final.

Committee's Recommendation:

That the provision of Clause 18 be retained (*Senator Binta Masi Garba — Adamawa North*) – Agreed to.

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

Clause 19: Discipline of Junior Staff

- (1) If any junior staff is accused of misconduct or inefficiency, the Rector may suspend him for not more than three months and forthwith shall direct the Junior Staff Appointments and Promotions Committee:
 - (a) to consider the case; and
 - (b) to make recommendations as to the appropriate action to be taken by the Rector.
- (2) In all cases under this section, the officer shall be informed of the charge against him and shall be given reasonable opportunity to defend himself.
- (3) The Rector may, after considering the recommendation made pursuant to subsection (1)(b) of this section, dismiss, terminate, retire or down-grade the officer concerned.
- (4) Any person aggrieved by the Rector's decision under subsection (3) of this section, may within a period of 21 days from the date of the letter communicating the decision to him, address a petition to the Council to consider his case and the Council's decision thereon shall be final.

- (5) In any case of gross misconduct on the part of a junior staff, the Rector shall forthwith suspend him and thereafter refer the matter to the Junior Staff Appointments and Promotions Committee to be dealt with according to the foregoing provision of this section.

Committee's Recommendation:

That the provision of Clause 19 be retained (*Senator Binta Masi Garba — Adamawa North*) – Agreed to.

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

Clause 20: Audit of Accounts

- (1) The Council shall keep proper accounts and proper records in relation thereto and shall cause to be prepared, not later than 1 October in each financial year, an estimate of its revenue and expenditure for the ensuing financial year and when prepared, the estimate shall be submitted to the National Board for Technical Education for approval.
- (2) At the end of each financial year but not later than 30 June the Council shall cause to be prepared a statement of its income and expenditure during the previous financial year.
- (3) The statement of accounts referred to in subsection (2) of this section shall, when certified by the Rector, be audited by a firm of auditors appointed from the list and in accordance with the guidelines supplied by the Auditor General of the Federation and shall be published in the annual report of the polytechnic.

Committee's Recommendation:

That the provision of Clause 20 be retained (*Senator Binta Masi Garba — Adamawa North*) – Agreed to.

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

Clause 21: Funds of the Council.

The funds of the Council shall include —

- (a) fees charged by and payable to the Council in respect of students;
- (b) any other amounts due to or recoverable by the Council;
- (c) revenue from time to time accruing to the Council from the Federal Government by way of subvention, grant-in-aid, endowment or otherwise howsoever; and
- (d) donations and legacies accruing to the Council from any source for the special purpose of the Council.

Committee's Recommendation:

That the provision of Clause 21 be retained (*Senator Binta Masi Garba — Adamawa North*) – Agreed to.

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

Clause 22: Donations for Particular Purposes:

- (1) Donations of money to be applied to any particular purpose shall be placed to the credit of a special reserve account approved by the Council until such time as they may be expended in fulfillment of such purpose.
- (2) No Council shall be obliged to accept a donation for a particular purpose unless it approves of the terms and conditions attached to such donation.

Committee's Recommendation:

That the provision of Clause 22 be retained (*Senator Binta Masi Garba — Adamawa North*) – Agreed to.

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

Clause 23: Payment into Bank.

All sums of money received on account of the Council shall be paid into such bank for the credit of the Council as may be approved by the Council.

Committee's Recommendation:

That the provision of Clause 23 be retained (*Senator Binta Masi Garba — Adamawa North*) – Agreed to.

Question that Clause 23 do stand part of the Bill, put and agreed to.

Clause 24: Annual Report.

The Council shall on or before 31 December in each year prepare and submit to the President through the Minister, a report of the activities during the preceding financial year and shall include in the report, the audited accounts of the polytechnic in respect of that financial year and the auditor's comments on the account.

Committee's Recommendation:

That the provision of Clause 24 be retained (*Senator Binta Masi Garba — Adamawa North*) – Agreed to.

Question that Clause 24 do stand part of the Bill, put and agreed to.

Miscellaneous and Supplemental**Clause 25: Power to Make Bye-Laws.**

- (1) The Council may make bye-laws relating to any matter within its competence under this Act other than matters for which provision is to be made by standing orders pursuant to paragraph 7 of the Schedule to this Act.
- (2) All such bye-laws shall be in writing and shall come into force when sealed with the seal of the Council unless some other date for their commencement is prescribed therein.
- (3) (Nothing in subsection (2) of this section, shall make it obligatory for the Council to publish any of the said bye-laws in the Federal Gazette but the Council shall bring such bye-laws to the notice of all affected thereby.

Committee's Recommendation:

That the provision of Clause 25 be retained (*Senator Binta Masi Garba — Adamawa North*) – Agreed to.

Question that Clause 25 do stand part of the Bill, put and agreed to.

Clause 26: Exclusion of Discrimination on Account of Race, Religion, etc.

No person shall be required to satisfy requirements as to any of the following matters, that is to say race (including ethnic grouping), sex, place of birth or of family origin or religious or political persuasion or as a condition of becoming or continuing to be a student at the polytechnic or as a holder of any certificate of the polytechnic, or of any appointment or employment at the polytechnic, or a member of anybody established by virtue of this Act; and no person shall be subjected to any disadvantage or accorded any advantage in relation to the polytechnic by reference to any of those matters.

Provided that, nothing in this section shall be construed as preventing the polytechnic from imposing any disability or restriction on any of the aforementioned persons where such a person willfully refuses or fails on grounds of religious belief to undertake any duty, having regard to its nature and the special circumstances pertaining thereto is, in the opinion of the polytechnic, reasonably justifiable in the national interest.

Committee's Recommendation:

That the provision of Clause 26 be retained (*Senator Binta Masi Garba — Adamawa North*) – Agreed to.

Question that Clause 26 do stand part of the Bill, put and agreed to.

Clause 27: Quorum and Procedure of Bodies Established Under this Act.

Subject to the provisions of paragraph 6(2) of the First Schedule to this Act and any standing orders or bye-law made under this Act, the quorum and procedure of any body of persons established by this Act shall be such as may be determined by that body.

Committee's Recommendation:

That the provision of Clause 27 be retained (*Senator Binta Masi Garba — Adamawa North*) – Agreed to.

Question that Clause 27 do stand part of the Bill, put and agreed to.

Clause 28. Interpretation.

In this Act, unless the context otherwise requires:

“the Academic Board” means the board established under section 10 of this Act;

“the Appointments and Promotions Committee” means a body by that name established under paragraph 3(2)(a) of the Schedule to this Act;

“polytechnic” means the respective Polytechnic set up under this section 1 of this Act;

“the Junior Staff Appointments and Promotion Committee” means a body by that name set up under paragraph 3(2)(b) of the Schedule to this Act;

“the Minister” means the Minister charged with responsibility for matters relating to technical education;

“the Registrar” means the Registrar of the polytechnic appointed under section 4(1) of this Act.

Committee's Recommendation:

That the provision of Clause 28 be retained (*Senator Binta Masi Garba — Adamawa North*) – Agreed to.

Question that Clause 28 do stand part of the Bill, put and agreed to.

Clause 29: Short Title.

This Bill may be cited as the Federal Polytechnic Item, Abia State, 2018.

Committee's Recommendation:

That the provision of Clause 29 be retained (*Senator Binta Masi Garba — Adamawa North*) – Agreed to.

Question that Clause 29 do stand part of the Bill, put and agreed to.

SCHEDULE

[Section 7]

PUBLIC OFFICERS FOR THE PURPOSES OF THE CODE OF CONDUCT
SUPPLEMENTARY PROVISIONS RELATING TO
THE COUNCIL

Terms of office of members

1. (1) A member of the Council other than an ex-officio member shall hold office for a period of three years beginning with the date on which he was appointed and shall be eligible for re-appointment for a further term of three years and thereafter he shall no longer be eligible for re-appointment.
- (2) Members of the Council holding office as specified in paragraph 1(1) of this Schedule, shall be paid remuneration or allowance in accordance with rates specified from time to time by the National Council of Ministers.
- (3) A member of the Council holding office as specified in paragraph 1(1) of this Schedule may by notice in writing to the Minister resign his office.
2. (1) Where a vacancy occurs in the membership of the Council, that vacancy shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor, so however that the successor shall represent the same interest as his predecessor.
- (2) The Council may act notwithstanding any vacancy in its membership or the absence of any member or that a person not entitled to do so took part in its proceedings.

Committee Functions

3. (1) The Council may appoint one or more committees to which it may delegate any of its functions.
- (2) Without prejudice to the generality of sub-paragraph (1) of this Schedule, the Council shall appoint the following committees, that is:
 - (a) the Appointments and Promotions Committees which shall:
 - (i) consist of Rector as the chairman and four other members who shall be appointed by the Council;

- (ii) be charged with the responsibility for making recommendations to the Council on the appointment and promotion of the academic and senior non-teaching staff of the polytechnic and have a quorum of three members:
- (b) the Junior Staff Appointments and Promotions Committee which shall consist of a Deputy Rector as chairman and four other members to be appointed by the Rector and shall have the powers set out in section 13(2)(b) and section 19 of this Act;
- (c) the Committee on Students' Affairs which shall consist of the following members:
 - (i) a Deputy Rector as chairman;
 - (ii) one member of the Council;
 - (iii) Dean of Students Affairs;
 - (iv) two members of the academic staff not below the rank of Senior Lecturer; and
- (d) two representatives of the Students Union of the polytechnic; and a committee on students affairs shall be charged with the duty of:
 - (i) considering any matter which relates to the welfare of students;
 - (ii) any other matter referred to it by either the Council or management of the polytechnic;
 - (iii) any matter which the students wish to refer to the Council shall be referred to the management in the first instance which may in turn refer the matter to the Committee on Students' Affairs.
- (3) No decision of a committee of the council shall have effect unless it is confirmed by the Council.

Proceedings of the Council

- 4.
 - (1) The Council shall meet for the conduct of business once in a quarter except for emergency.
 - (2) The chairman of the Council may at any time and shall at the request in writing of not less than five members of the Council summon a meeting of the Council.
 - (3) Particulars of the business to be transacted shall be circulated to members with the notice of the meeting at least two weeks before the date of the meeting.
- 5. Where the Council desires to obtain the advice of any person on any particular matter, it may co-opt such person as a member for a meeting whether or not expressly convened for the purpose of considering the particular matter but no co-opted member shall be entitled to vote or shall count towards quorum
- 6.
 - (1) Every question put before the Council at a meeting shall be decided by a simple majority of the members present and voting.
 - (2) Two third of members shall form a quorum at any meeting of the Council.

- (3) The Chairman shall, at any meeting of the Council, have a vote and, in the case of an equality of votes, may exercise a casting vote.
7. Subject as aforesaid, the Council may make standing orders with respect to the holding of meetings, the nature of notices to be given, the proceedings thereat, the keeping of minutes of such proceedings and the custody and production for inspection of such minutes.
8. If the Chairman of the Council is absent from a meeting of the Council, the members present shall elect one of their number to act as chairman for the purposes of the meeting.

Miscellaneous

9. Composition and Functions of Management Committee, School and Departmental Boards:
- (a) (i) There shall be a Management Committee made up of all the Principal Officers of the Polytechnic, all Deans and Directors in the Polytechnic;
- (ii) the Rector shall be the Chairman of the Management Committee; and
- (iii) the Management Committee shall meet at least once in a month to discuss and take decisions on matters of general interest to the Polytechnic.
- (b) (i) There shall be a School Board for each school in the Polytechnic made up of all the Academic Staff in that School;
- (ii) the School Board deal with academic matters and any other matter of interest to the School or any matter assigned to it by the Council, the Rector or the Academic Board;
- (iii) the Dean shall be the chairman of the School Board; and
- (iv) the Dean shall be elected from among the Academic Staff not below the rank of Chief Lecturer in that School for a tenure of three years and not immediately renewable.
- (c) (i) there shall be a Departmental Board for each Department in the Polytechnic made up of all the Academic Staff in that department;
- (ii) the Departmental Board shall deal with academic matters and any other matter of interest to the Department;
- (iii) the Head of Department shall be chairman of the Departmental Board; and
- (iv) the Head of Department shall be elected from among the Academic staff not below the rank of Senior Lecturer in that department for a tenure of three years and not immediately renewable.
- (d) Where there is no qualified candidate for the position of Dean or Head of Department, the Rector shall appoint an Acting Dean not below the rank of Senior Lecturer or Acting Head of Department not below the rank of Lecturer I for a period of one year in the first instance and renewable once and no more.
- (e) Nothing in this Act shall prevent the management Committee and Boards from making supplementary rules to guide their proceedings provided such rules are not inconsistent with the provisions of this Act.

10. Establishment of the Congregation:

There shall be for the polytechnic, a Congregation made of both Academic and Senior Non-Teaching staff, who holds at least a first degree or its equivalent:

- (a) the Rector shall be the Chairman of the Congregation; and
- (b) the Congregation shall meet at least once in a year.

11. Any contract or instrument which if entered into by a person not being a body corporate would not be required to be under seal, may in like manner be entered into or executed on behalf of the Council by any person generally or specifically authorized by it for that purpose.

- 12. (1) The common seal of the Council shall not be used or affixed to any document except in pursuance of a resolution duly passed at a properly constituted meeting of the Council and recorded in the minutes of such meeting.
- (2) The fixing of the seal of the Council shall be authenticated by the signature of the Chairman of the Council and some other member authorized generally or specifically by the Council to act for that purpose.
- (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 so executed.

13. Any member of the Council or a committee thereof who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council or a committee thereof, shall forthwith disclose his interest to the Council and shall not vote on any question relating to such contract or arrangement.

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

Chairman to report Bill.

(SENATE IN PLENARY)

The Deputy Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Tertiary Institutions and TETFUND on the Federal Polytechnic Item, Abia State; and for other Matters Connected therewith, 2018 and approved as follows:

Clauses 1- 29	—	As Recommended
Schedule	—	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.

19. Adjournment:

Motion made: That the Senate do now adjourn till Wednesday, 16th January, 2019 at 10:00 a.m.
(Senate Leader).

Adjourned accordingly at 1:57 p.m.

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