



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Thursday, 6 February, 2020

1. The House met at 11.26 a.m. Mr Deputy Speaker read the Prayers.
2. The House recited the National Pledge
3. **Votes and Proceedings**
Mr Deputy Speaker announced that he had examined and approved the *Votes and Proceedings* of Wednesday, 5 February, 2020.

The Votes and Proceedings was adopted by unanimous consent.

4. **Petition**
A petition from National Association of Itsekiri Graduates (NAIG), on behalf of the Itsekiri Graduates and the entire communities along the Escravos River, on the alleged removal of Madangho Divisional Police Station, Warri South West Local Government Area from the jurisdiction of Warri Area Command, was presented and laid by Hon. Thomas Ereyitomi (*Warri South/Warri West/Warri North Federal Constituency*).

Petition referred to the Committee on Public Petitions.

5. **Matters of Urgent Public Importance (Standing Order Eight, Rule 4)**
 - (i) ***Call for a More Encompassing Approach to the Implementation of Better Education Service Delivery for All (BESDA) Programme in Nigeria:***
Hon. Nkeiruka Onyejeocha (*Isuikwuato/Umunneochi Federal Constituency*) introduced the matter and prayed the House to:

- (a) consider and approve the matter as one of urgent public importance; and
- (b) suspend Order Eight, Rule 4 (3) to allow debate on the matter forthwith.

Question that the matter be considered as one of urgent public importance — Agreed to.

Question that the House do suspend Order Eight, Rule 4 (3) to enable it debate the matter forthwith — Agreed to.

Call for a More Encompassing Approach to the Implementation of Better Education Service Delivery for All (BESDA) Programme in Nigeria:

The House:

Notes that by the combined effect of section 18 (3) (a) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) and section 2 (1) of the Compulsory, Free Universal Basic Education (UBE) Act, 2004, the Federal Government shall direct its policy towards ensuring equal and adequate education at all levels and the right to free and compulsory primary education and free junior secondary education for all qualified Nigerian citizens;

Also notes that this enforceable constitutional right to free and compulsory universal basic education has also been given Judicial impetus by the Federal High Court, Abuja, where the Court declared that the Federal and State Governments have constitutional duties to provide adequate fund for the said free and compulsory education, warning that failure to respect the ruling will constitute a breach;

Recalls that the Federal Government, in furtherance of its responsibilities and in order to provide Basic, compulsory and free Universal basic education for the Nigerian child established Better Education Service Delivery for All (BESDA) Programme, with the aforesaid aim;

Also recalls that the Better Education Service Delivery for All (BESDA) Programme has also attracted the interest of the World bank which have provided loans for the full implementation of the programme;

Aware that the Minister of State for Education, Chukwuemeka Nwajiuba, recently launched the Better Education Service Delivery for All (BESDA) Programme in Yola, Adamawa State;

Also aware that at the launching of the programme, the Minister informed the public that the Federal Government had secured a ₦220 billion loan from the World Bank for the implementation of the Better Education Service Delivery for All (BESDA) programme which is restricted to seventeen States;

Worried that the implication of this restriction is against the wordings, letters and spirit of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), various legislations as well as judicial pronouncements;

Also worried that by restricting the implementation of Better Education Service Delivery for All (BESDA) Programme to seventeen States, the Federal Ministry of Education seems to be working at cross-purposes with the programme which key ingredient is "delivery for all";

Regrets that despite the Federal Government's effort in curbing the menace of out of school children, every State in Nigeria still has a sizeable number of out of school children roaming the streets;

Believes that only a holistic approach to curbing this menace will bring a meaningful impact to the implementation of the **Better Education Service Delivery for All (BESDA) Programme** as this piecemeal approach is bound to fail;

Resolves to:

- (i) commend the Federal Government of Nigeria for initiating the Better Education Service Delivery for All (BESDA) Programme to address the sooty state of "out of school" children all over the country;

- (ii) urge the Federal Ministry of Education to begin a holistic implementation of the programme in all States of the Federation instead of the selective, inefficient approach it currently adopts; and
- (iii) mandate the Committee on Basic Education to ensure compliance (Hon. Nkeiruka C. Onyejeocha — Isuikwuato/Umenneochi Federal Constituency).

Debate.

Agreed to.

The House:

Noted that by the combined effect of section 18 (3) (a) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) and section 2 (1) of the Compulsory, Free Universal Basic Education (UBE) Act, 2004, the Federal Government shall direct its policy towards ensuring equal and adequate education at all levels and the right to free and compulsory primary education and free junior secondary education for all qualified Nigerian citizens;

Also noted that this enforceable constitutional right to free and compulsory universal basic education has also been given Judicial impetus by the Federal High Court, Abuja, where the Court declared that the Federal and State Governments have constitutional duties to provide adequate fund for the said free and compulsory education, warning that failure to respect the ruling will constitute a breach;

Recalled that the Federal Government, in furtherance of its responsibilities and in order to provide Basic, compulsory and free Universal basic education for the Nigerian child established Better Education Service Delivery for All (BESDA) Programme, with the aforesaid aim;

Also recalled that the Better Education Service Delivery for All (BESDA) Programme has also attracted the interest of the World bank which have provided loans for the full implementation of the programme;

Aware that the Minister of State for Education, Chukwuemeka Nwajiuba, recently launched the Better Education Service Delivery for All (BESDA) Programme in Yola, Adamawa State;

Also aware that at the launching of the programme, the Minister informed the public that the Federal Government had secured a ₦220 billion loan from the World Bank for the implementation of the Better Education Service Delivery for All (BESDA) programme which is restricted to seventeen States;

Worried that the implication of this restriction is against the wordings, letters and spirit of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), various legislations as well as judicial pronouncements;

Also worried that by restricting the implementation of Better Education Service Delivery for All (BESDA) Programme to seventeen States, the Federal Ministry of Education seems to be working at cross-purposes with the programme which key ingredient is "delivery for all";

Regretted that despite the Federal Government's effort in curbing the menace of out of school children, every State in Nigeria still has a sizeable number of out of school children roaming the streets;

Believed that only a holistic approach to curbing this menace will bring a meaningful impact to the implementation of the **Better Education Service Delivery for All (BESDA)** Programme as this piecemeal approach is bound to fail;

Resolved to:

- (i) commend the Federal Government of Nigeria for initiating the Better Education Service Delivery for All (BESDA) Programme to address the sooty state of "out of school" children all over the country;
 - (ii) urge the Federal Ministry of Education to begin a holistic implementation of the programme in all States of the Federation instead of the selective, inefficient approach it currently adopts; and
 - (iii) mandate the Committee on Basic Education to ensure compliance (HR. 18/02/2020).
- (ii) ***Need to Investigate the Alleged Use of Paracetamol and Bleach to Tenderize Meat and Process Cassava in Osun State and Across the Federation:***
Hon. Dozie Ferdinand Nwankwo (*Njikoka/Anaocha/Dunukofia Federal Constituency*) introduced the matter and prayed the House to:
- (a) consider and approve the matter as one of urgent public importance; and
 - (b) suspend Order Eight, Rule 4 (3) to allow debate on the matter forthwith.

Question that the matter be considered as one of urgent public importance — Agreed to.

Question that the House do suspend Order Eight, Rule 4 (3) to enable it debate the matter forthwith — Agreed to.

Need to Investigate the Alleged Use of Paracetamol and Bleach to Tenderize Meat and Process Cassava in Osun State and Across the Federation:

The House:

Notes with dismay the revelation by Osun State government officials that some caterers and food vendors in the State have been using paracetamol and bleach to tenderize meat and process cassava;

Aware that high dosage of paracetamol comes with toxicity that may lead to kidney and renal failures while the use of bleach to process cassava for garri is simply food poisoning;

Concerned about the extent of damage this criminal act has had on vital organs of the consumers which include kidneys, liver, heart and small intestines;

Worried that such illicit acts in Osun State and other States may have been going on for years without the relevant government agencies doing much to stem it and bring the culprits to book to serve as deterrent;

Disturbed that such food vendors and caterers are deliberately and mischievously destroying their consumers by employing such selfish unhealthy practices to prepare food;

Resolves to:

- (i) urge the National Agency for Food and Drug Administration and Control (NAFDAC) and other relevant bodies to urgently embark on widespread sensitization

and public awareness against the consumption of food tenderized and processed with paracetamol and bleach;

- (ii) also urge NAFDAC and other relevant government bodies to arrest and prosecute all offenders of this provision to serve as deterrence while helping to curtail the continuous perpetration of such crimes against humanity;
- (iii) further urge the Ministry of Health, NAFDAC and stakeholders in the industry to develop a blueprint that will ensure constant and regular monitoring and supervision of food vendors and processors to avoid re-occurrence; and
- (iv) mandate the Committee on Healthcare Services to liaise with NAFDAC and Ministry of Health to engage all relevant governmental agencies charged with supervision and monitoring of public foods and services with a view to investigating this revelation on Osun, Delta and other States of the Federation and report back within eight (8) weeks (*Hon. Dozie Ferdinand Nwankwo — Njikoka/Dunukofia/Anaocha Federal Constituency*).

Debate.

Agreed to.

The House:

Noted with dismay the revelation by Osun State government officials that some caterers and food vendors in the State have been using paracetamol and bleach to tenderize meat and process cassava;

Aware that high dosage of paracetamol comes with toxicity that may lead to kidney and renal failures while the use of bleach to process cassava for garri is simply food poisoning;

Concerned about the extent of damage this criminal act has had on vital organs of the consumers which include kidneys, liver, heart and small intestines;

Worried that such illicit acts in Osun State and other States may have been going on for years without the relevant government agencies doing much to stem it and bring the culprits to book to serve as deterrent;

Disturbed that such food vendors and caterers are deliberately and mischievously destroying their consumers by employing such selfish unhealthy practices to prepare food;

Resolved to:

- (i) urge the National Agency for Food and Drug Administration and Control (NAFDAC) and other relevant bodies to urgently embark on widespread sensitization and public awareness against the consumption of food tenderized and processed with paracetamol and bleach;
- (ii) also urge NAFDAC and other relevant government bodies to arrest and prosecute all offenders of this provision to serve as deterrence while helping to curtail the continuous perpetration of such crimes against humanity;
- (iii) further urge the Ministry of Health, NAFDAC and stakeholders in the industry to develop a blueprint that will ensure constant and regular monitoring and supervision of food vendors and processors to avoid re-occurrence; and

- (iv) mandate the Committee on Healthcare Services to liaise with NAFDAC and Ministry of Health to engage all relevant governmental agencies charged with supervision and monitoring of public foods and services with a view to investigating this revelation on Osun, Delta and other States of the Federation and report back within eight (8) weeks (HR. 19/02/2020).

Motion made and Question proposed, "That the House do suspend Order Eight, Rule 4 (4) to enable it take more than 2 matters of urgent public importance" (Hon. Fulata Abubakar Hassan -- Birninwa/Guri/Kiri-Kasama Federal Constituency).

Agreed to.

(iii) Need to Undertake an Urgent Repair of the Oghara - Mosogar Bridge to Forestall Imminent Collapse:

Hon. Ben Rollands Igbakpa (Ethiope East/Ethiope West Federal Constituency and 5 others) introduced the matter and prayed the House to:

- (a) consider and approve the matter as one of urgent public importance; and
- (b) suspend Order Eight, Rule 4 (3) to allow debate on the matter forthwith.

Question that the matter be considered as one of urgent public importance — Agreed to.

Question that the House do suspend Order Eight, Rule 4 (3) to enable it debate the matter forthwith — Agreed to.

Need to Undertake an Urgent Repair of the Oghara - Mosogar Bridge to Forestall Imminent Collapse:

The House:

Notes that the Oghara - Mosogar Bridge situated at Ethiope West Local Government Area of Delta State, is the major road from the Benin - Oghara - Sapele - Warri axis linking the popular East - West Road from Warri; an iconic link between Oghara - Benin, Mosogar - Warri, Asaba and even Lagos;

Informed that the present state of the Oghara - Mosogar Bridge is one that requires urgent attention as the bridge has visible cracks with structural damages including the expansion of joints on the bridge;

Aware that the dilapidated state of the bridge has claimed many lives including that of 5 public school principals, Airforce Chief, and others due to the failed portion of the bridge;

Disturbed that for months, no one seems to care about the state of the bridge, even as millions of people ply the bridge daily;

Cognizant that this federal road has been a safe haven for commuters over the years as various commercial vehicles, companies, government officials and private individuals have plied this bridge without hitch;

Believes that as heavy duty and other vehicles, pass through the bridge daily, in its current state, there is palpable fear that it is only a matter of time before the bridge collapses;

Concerned that many commuters had reported that the Oghara - Mosogar Bridge is vibrating noticeably and a serious structural damage, unsafe for use, an indication that the integrity of the bridge has failed;

Alarmed that if the visibly seen cracks and structural damages, including the expansion joints of the Bridge are not repaired immediately, especially this dry season, the entire South - South/ Mid - West Zone which the Oghara - Mosogar bridge connects will be cut off from other parts of the country;

Worried that if test on the expansion joints (otherwise called static and dynamic load tests) is carried out to check the functionality of the bridge, it will show that a number of expansion joints are due for replacement, which is the regular bridge maintenance that has been neglected for decades;

Resolves to:

- (i) urge the Federal Ministry of Works and Housing, the Federal Road Maintenance Agency (FERMA) and the Niger Delta Development Commission (NDDC) to undertake urgent repairs and maintenance of the Oghara - Mosogar bridge to forestall imminent collapse;
- (ii) also urge the Federal Road Safety Corps (FRSC) to deploy its personnel to the Oghara - Mosogar bridge to ensure the safe use of the dilapidated bridge pending the intervention of the relevant government agencies;
- (iii) further urge the Nigeria Police Force to provide adequate security in the affected bridge to avoid hoodlums catching in on the situation to harrass road users; and
- (iv) mandate the Committees on Works, and Housing to ensure timely compliance (*Hon. Ben Rollands Igbakpa — Ethiope East/Ethiope West Federal Constituency and Five Others*).

Agreed to.

(HR. 20/02/2020).

Motion referred to the Committee on Works, pursuant to Order Eight, Rule 9 (5).

- (iv) ***Need to Address Recent Outbreak of Farm Disease in Several Farming Communités of Gwandu - Aliero - Jega Federal Constituency:***

Hon. Muhammad Umar Jega (*Aleiro/Gwandu/Jega Federal Constituency*) introduced the matter and prayed the House to:

- (a) consider and approve the matter as one of urgent public importance; and
- (b) suspend Order Eight, Rule 4 (3) to allow debate on the matter forthwith.

Question that the matter be considered as one of urgent public importance. — Agreed to.

Question that the House do suspend Order Eight, Rule 4 (3) to enable it debate the matter forthwith — Agreed to.

Need to Address Recent Outbreak of Farm Disease in Several Farming Communités of Gwandu - Aliero - Jega Federal Constituency:

The House:

Notes that Onion farming is a major source of income for farmers in Gwandu-Aliero- Jega Federal Constituency of Kebbi State;

Also notes that the quantity of onions cultivated by farmers in Gwandu-Aliero- Jega Federal Constituency of Kebbi State has positioned the farming communities as the biggest Onion farming Communities in the whole of West Africa;

Aware that so many people in Gwandu - Aliero -Jega Federal Constituency of Kebbi State depend on onions farming and trading for their livelihood;

Also aware that since 2019, there has been a sudden outbreak of a fungi disease which has afflicted onions cultivated in the farming communities, which experts have identified as "purple blight" commonly known in Hausa Language as "Dah-Zazzalau", which has ravaged vast hectares of farm land, destroying onions cultivated in the area, with consequential loss of huge amount of revenue;

Worried that the conservative estimate of monetary losses suffered by farmers as a result of this disease is over ₦1.2 Billion; as the disease has ravaged over 4,925 hectares of farm land, with over 5,000 onion farmers affected;

Also worried that the overwhelming losses suffered by the farmers have rendered the entire farming community penurious, and if not urgently addressed, can lead to a breakdown of law and order;

Observes that farmers, traders, and other stakeholders are already visibly overwhelmed in their efforts to ameliorate their condition and in their determination to address the outbreak of the disease;

Also observes that it is the primary constitutional responsibility of the Federal Government of Nigeria to provide for the security and welfare of the people of this country as a whole, and those in Gwandu-Aliero-Jega Federal Constituency of Kebbi State, in particular;

Convinced that there is an urgent need for Federal Government intervention, as the situation has completely overwhelmed the capacity of affected farmers, farming communities and government at the local and State levels;

Also convinced that the Federal Government intervention will give practical demonstration to the Federal Government's primary constitutional responsibility of providing welfare to the people of affected communities;

Resolves to:

- (i) urge the Minister of Agriculture to as a matter of urgency deploy experts to the communities in order to tackle the outbreak of the disease;
- (ii) also urge relevant government agencies including the Federal Ministry of Finance, Central Bank of Nigeria, and National Emergency Management Agency to immediately respond to the huge financial losses resulting from the outbreak of the disease, in order to provide succor to all those affected, and any other immediate action which the Federal Government of Nigeria can take to improve the living condition of the affected communities; and
- (iii) mandate the Committees on Agricultural Production and Services, Banking and Currency, Emergency and Disaster Preparedness, and Legislative Compliance to ensure compliance (Hon. Muhammad Umar Jega — Aliero/Gwandu/Jega Federal Constituency).

Debate.

Agreed to.

The House:

Noted that Onion farming is a major source of income for farmers in Gwandu-Aliero- Jega Federal Constituency of Kebbi State;

Also noted that the quantity of onions cultivated by farmers in Gwandu-Aliero- Jega Federal Constituency of Kebbi State has positioned the farming communities as the biggest Onion farming Communities in the whole of West Africa;

Aware that so many people in Gwandu - Aliero -Jega Federal Constituency of Kebbi State depend on onions farming and trading for their livelihood;

Also aware that since 2019, there has been a sudden outbreak of a fungi disease which has afflicted onions cultivated in the farming communities, which experts have identified as "purple blight" commonly known in Hausa Language as "Dah-Zazzalau", which has ravaged vast hectares of farm land, destroying onions cultivated in the area, with consequential loss of huge amount of revenue;

Worried that the conservative estimate of monetary losses suffered by farmers as a result of this disease is over ₦1.2 Billion; as the disease has ravaged over 4,925 hectares of farm land, with over 5,000 onion farmers affected;

Also worried that the overwhelming losses suffered by the farmers have rendered the entire farming community penurious, and if not urgently addressed, can lead to a breakdown of law and order;

Observed that farmers, traders, and other stakeholders are already visibly overwhelmed in their efforts to ameliorate their condition and in their determination to address the outbreak of the disease;

Also observed that it is the primary constitutional responsibility of the Federal Government of Nigeria to provide for the security and welfare of the people of this country as a whole, and those in Gwandu-Aliero-Jega Federal Constituency of Kebbi State, in particular;

Convinced that there is an urgent need for Federal Government intervention, as the situation has completely overwhelmed the capacity of affected farmers, farming communities and government at the local and State levels;

Also convinced that the Federal Government intervention will give practical demonstration to the Federal Government's primary constitutional responsibility of providing welfare to the people of affected communities;

Resolved to:

- (i) urge the Minister of Agriculture to as a matter of urgency deploy experts to the communities in order to tackle the outbreak of the disease;
- (ii) also urge relevant government agencies including the Federal Ministry of Finance, Central Bank of Nigeria, and National Emergency Management Agency to immediately respond to the huge financial losses resulting from the outbreak of the disease, in order to provide succor to all those affected, and any other immediate action which the Federal Government of Nigeria can take to improve the living condition of the affected communities; and
- (iii) mandate the Committees on Agricultural Production and Services, Banking and Currency, Emergency and Disaster Preparedness, and Legislative Compliance to ensure compliance (HR. 21/02/2020).

- (v) ***Need for the President and Commander-in-Chief of the Armed Forces to immediately Deploy the Armed Forces to Isu Beachline Boundary Community in Arochukwu Local Government Area of Abia State to Forestall Further Killings and Restore Peace and Order:***
Hon. Uko Ndukwe-Nkole (Arochukwu/Ohafia Federal Constituency) introduced the matter and prayed the House to:

- (a) consider and approve the matter as one of urgent public importance; and
(b) suspend Order Eight, Rule 4 (3) to allow debate on the matter forthwith.

Question that the matter be considered as one of urgent public importance — Agreed to.

Question that the House do suspend Order Eight, Rule 4 (3) to enable it debate the matter forthwith — Agreed to.

Need for the President and Commander-in-Chief of the Armed Forces to immediately Deploy the Armed Forces to Isu Beachline Boundary Community in Arochukwu Local Government Area of Abia State to Forestall Further Killings and Restore Peace and Order:

The House:

Notes that violent communal conflicts have become perhaps the singular, deadliest threat to Nigeria's national security;

Also notes that apart from the wanton loss of lives, property and massive displacement of persons, there is the resultant distrust among communities, that is a grave threat to national unity and loss of confidence in social institutions;

Saddened that between Sunday, 2 February, 2020 and Monday, 3 February, 2020, communal clashes erupted in Isu Beachline Boundary Community in Arochukwu Local Government Area of Abia State which has its boundary with Utuma Cross River State in which the Utuma attacked the Isu Beachline communities of Iheosu, Aba and Amachi;

Distressed that this clash left many dead with the three (3) villages along the Isu, Beachline Boundary Community (so far) completely razed down resulting in the displacement of members of community;

Concerned that there is an urgent need to bring this conflict to an immediate halt as the killings, destruction of property, displacements and humanitarian suffering, constitute crimes against humanity and; are already in genocidal proportions, which should not be allowed to further deteriorate;

Equally concerned that further attacks must be prevented so that the people of community will not, out of helplessness and frustration, be forced to employ every means necessary to defend themselves such that the situation will completely degenerate;

Cognizant that under section 217 (2) (c) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), the National Assembly has a fundamental role to play in recommending the deployment of the Armed Forces of the Federal Republic of Nigeria for acting in aid of civil authorities to restore order;

Determined that every effort must be made to save the Isu people from these needless and brutal killings and unnecessary destruction of property;

Resolves to:

- (i) urge the President and Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria to, as a matter of urgency, use his good offices to immediately and without further delay deploy the Armed Forces of the Federal Republic of Nigeria to Isu Beachline Boundary Community in Arochukwu Local Government Area of Abia State to restore lasting peace and order in the communities; and also to temporarily take over the disputed portion pending when a proper delineation is carried out by National Boundaries Commission.
- (ii) also urge the National Emergency Management Agency (NEMA) to immediately and without further delay deploy relief materials including medical supplies to the affected communities and health personnel to treat the wounded;
- (iii) further urge the National Boundaries Commission to without further delay clearly and demarcate and define the boundaries of both communities to avoid further clashes;
- (iv) mandate the Committees on Defence, National Security and Intelligence, and legislative compliance to coordinate the implementation, and attainment of the above resolutions with the Presidency, the National Emergency Management Agency (NEMA), the National Boundaries Commission and report back within two (2) weeks; and
- (v) observe a minute silence in honour of the deceased (*Hon. Uko Ndukwe Nkole -- Arochukwu/Ohafia Federal Constituency*)..

Debate.

Amendment Proposed:

Leave out all the words in Prayer (i) and *insert* as follows:

“urge the President and Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria to, as a matter of urgency, use his good offices to immediately and without further delay deploy the Armed Forces, and the Nigeria Police Force to Isu Beachline Boundary Community in Arochukwu Local Government Area of Abia State to restore lasting peace and order in the communities; and also to temporarily take over the disputed portion pending when a proper delineation is carried out by National Boundaries Commission” (*Hon. Nnam-Obi Uchechukwu George -- Ahoada West/Ogba/Egbema/Ndoni*).

Question that the amendment be made — Agreed to.

Question on the Motion as amended — Agreed to.

The House:

Noted that violent communal conflicts have become perhaps the singular, deadliest threat to Nigeria's national security;

Also noted that apart from the wanton loss of lives, property and massive displacement of persons, there is the resultant distrust among communities, that is a grave threat to national unity and loss of confidence in social institutions;

Saddened that between Sunday, 2 February, 2020 and Monday, 3 February, 2020, communal clashes erupted in Isu Beachline Boundary Community in Arochukwu Local Government Area of Abia State which has its boundary with Utuma Cross River State in which the Utuma attacked the Isu Beachline communities of Iheosu, Aba and Amachi;

Distressed that this clash left many dead with the three (3) villages along the Isu, Beachline Boundary Community (so far) completely razed down resulting in the displacement of members of community;

Concerned that there is an urgent need to bring this conflict to an immediate halt as the killings, destruction of property, displacements and humanitarian suffering, constitute crimes against humanity and; are already in genocidal proportions, which should not be allowed to further deteriorate;

Equally concerned that further attacks must be prevented so that the people of community will not, out of helplessness and frustration, be forced to employ every means necessary to defend themselves such that the situation will completely degenerate;

Cognizant that under section 217 (2) (c) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), the National Assembly has a fundamental role to play in recommending the deployment of the Armed Forces of the Federal Republic of Nigeria for acting in aid of civil authorities to restore order;

Determined that every effort must be made to save the Isu people from these needless and brutal killings and unnecessary destruction of property;

Resolved to:

- (i) urge the President and Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria to, as a matter of urgency, use his good offices to immediately and without further delay deploy the Armed Forces, and the Nigeria Police Force to Isu Beachline Boundary Community in Arochukwu Local Government Area of Abia State to restore lasting peace and order in the communities; and also to temporarily take over the disputed portion pending when a proper delineation is carried out by National Boundaries Commission;
 - (ii) also urge the National Emergency Management Agency (NEMA) to immediately and without further delay deploy relief materials including medical supplies to the affected communities and health personnel to treat the wounded;
 - (iii) further urge the National Boundaries Commission to without further delay clearly and demarcate and define the boundaries of both communities to avoid further clashes;
 - (iv) mandate the Committees on Defence, National Security and Intelligence, and legislative compliance to coordinate the implementation, and attainment of the above resolutions with the Presidency, the National Emergency Management Agency (NEMA), the National Boundaries Commission and report back within two (2) weeks; and
 - (v) observe a minute silence in honour of the deceased (**HR. 22/02/2020**).
- (vi) ***Recent Fire Outbreak in Etekwuru Community in Ohaji/Egbema Local Government Area (LGA) in Imo State Due to Oil Pipeline Explosion:***
Hon. Uju Kingsley Chima (Ohaji/Egbema/Oguta/Oru West Federal Constituency) introduced the matter and prayed the House to:
- (a) consider and approve the matter as one of urgent public importance; and
 - (b) suspend Order Eight, Rule 4-(3) to allow debate on the matter forthwith.

Question that the matter be considered as one of urgent public importance — Agreed to.

Question that the House do suspend Order Eight, Rule 4 (3) to enable it debate the matter forthwith — Agreed to.

Recent Fire Outbreak in Etekwuru Community in Ohaji/Egbema Local Government Area (LGA) in Imo State Due to Oil Pipeline Explosion:

The House:

Notes the recent inferno on Tuesday, 4 February, 2020 in Etekwuru Community in Imo State, a major oil producing community due to oil pipeline explosion in the area destroying houses, farmlands and agricultural products worth millions of Naira;

Also notes that as a result of fire outbreak, over 20 neighbouring communities, namely Umudike Egbema, Assa Ohaji, Obile Ohaji, Umorji Egbema, Ekugba Egbema, Mgbara Egbema, Oforola Egbema, Obokofia Egbema, Obiakpu Egbema, Ukwu-Ugba Egbema, Awarra Ohaji, Ochia Ohaji, Obitti Ohaji, Ihie Ohaji and Umuapu in Imo State and Aggah Okwuzu and Mgbede in Rivers State were affected and the inhabitants rendered homeless;

Worried that in times like this, the ordinary poor masses become victims of such messy situations and are consequently put into untold hardships and ailments, especially at a time, the economy of the nation is not at its best;

Also worried that the lack of the presence of reliable medical facilities close to the oil producing communities weakens the chances of taking immediate and adequate care of the victims;

Disturbed that the bureaucratic bottleneck associated with the National Emergency Management Authority (NEMA) in the discharge of its statutory responsibility has continued to be a clog in the wheels of ensuring that victims of disasters of this nature receive prompt attention to reduce their suffering;

Believes that the panacea to forestalling future occurrences is to be constantly monitoring the oil companies on the regulatory compliance with replacement of aged pipelines and the provisions of adequate surveillance of oil pipelines to curb both natural and artificial explosions;

Resolves to:

- (i) urge the National Emergency Management Agency (NEMA) to urgently mobilize relief material and other health needs to the affected communities as listed;
- (ii) also urge the regulatory Agencies such as the National Environmental Standards and Regulations Enforcement Agency (NESREA) and the National Oil Spill Detection and Response Agency (NOSDRA) to commence actions in the cleaning-up of the environment as well as determining whether the fire explosion was natural or artificial in relation to the crude oil pipelines;
- (iii) mandate the Committees on Environment, Petroleum Resources (Upstream), and Emergencies and Disaster Preparedness to investigate the explosion, ascertain the degree of devastations, and report back within twenty-one (21) days; and
- (iv) also mandate the Committee on Legislative Compliance to ensure compliance (*Hon. Uju Kingsley Chima — Ohaji/Egbema/Oguta/Oru West Federal Constituency*).

Debate.

Agreed to.

The House:

Noted the recent inferno, on Tuesday, 4 February, 2020 in Etekwuru Community in Imo State, a major oil producing community due to oil pipeline explosion in the area destroying houses, farmlands and agricultural products worth millions of Naira;

Also noted that as a result of fire outbreak, over 20 neighbouring communities, namely Umudike Egbema, Assa Ohaji, Obile Ohaji, Umorji Egbema, Ekugba Egbema, Mgbara Egbema, Oforola Egbema, Obokofia Egbema, Obiakpu Egbema, Ukwu-Ugba Egbema, Awarra Ohaji, Ochia Ohaji, Obitti Ohaji, Ihie Ohaji and Umuapu in Imo State and Agbagbazu and Mgbede in Rivers State were affected and the inhabitants rendered homeless;

Worried that in times like this, the ordinary poor masses become victims of such messy situations and are consequently put into untold hardships and ailments, especially at a time the economy of the nation is not at its best;

Also worried that the lack of the presence of reliable medical facilities close to the oil producing communities weakens the chances of taking immediate and adequate care of the victims;

Disturbed that the bureaucratic bottleneck associated with the National Emergency Management Authority (NEMA) in the discharge of its statutory responsibility has continued to be a clog in the wheels of ensuring that victims of disasters of this nature receive prompt attention to reduce their suffering;

Believed that the panacea to forestalling future occurrences is to be constantly monitoring the oil companies on the regulatory compliance with replacement of aged pipelines and the provisions of adequate surveillance of oil pipelines to curb both natural and artificial explosions;

Resolved to:

- (i) urge the National Emergency Management Agency (NEMA) to urgently mobilize relief material and other health needs to the affected communities as listed;
- (ii) also urge the regulatory Agencies such as the National Environmental Standards and Regulations Enforcement Agency (NESREA) and the National Oil Spill Detection and Response Agency (NOSDRA) to commence actions in the cleaning-up of the environment as well as determining whether the fire explosion was natural or artificial in relation to the crude oil pipelines;
- (iii) mandate the Committees on Environment, Petroleum Resources (Upstream), and Emergencies and Disaster Preparedness to investigate the explosion, ascertain the degree of devastations, and report back within twenty-one (21) days; and
- (iv) also mandate the Committee on Legislative Compliance to ensure compliance (HR. 23/02/2020).

6. Presentation of Bills

The following Bills were read the *First Time*:

- (1) Central Bank of Nigeria Act (Amendment) Bill, 2020 (HB. 653).
- (2) Petroleum Products Pricing Regulatory Agency Act (Amendment) Bill, 2020 (HB. 654).
- (3) Nigerian Council for Social Work (Establishment) Bill, 2020 (HB. 655).

- (4) Constitution of the Federal Republic of Nigeria, 1999 (Alteration) Bill, 2020 (HB. 656).
- (5) National Power Training Institute of Nigeria (Establishment) Bill, 2020 (HB. 657).
- (6) National Directorate of Employment Act (Amendment) Bill, 2020 (HB. 658).
- (7) National Polytechnics Regulatory Commission (Establishment) Bill, 2020 (HB. 659).
- (8) Economic and Financial Crimes Commission Act (Amendment) Bill, 2020 (HB. 660).
- (9) National Population Commission Act (Amendment) Bill, 2020 (HB. 661).
- (10) National Boundary Commission Task Force (Establishment) Bill, 2020 (HB. 662).
- (11) Federal University of Agriculture Technology, Oerokpe (Establishment) Bill, 2020 (HB. 663).
- (12) Constitution of the Federal Republic of Nigeria, 1999 (Alteration) Bill, 2020 (HB. 664).

7. Consolidation of Bills

Motion made and Question proposed, "That a Bill for an Act to Amend the Council for the Regulation of Freight Forwarding in Nigeria Act, Cap. C54, Laws of the Federation of Nigeria, 2004; and for Related Matters (HB. 176), and a Bill for an Act Amend the Council for the Regulation of Freight Forwarding in Nigeria Act, Cap. C54, Laws of the Federation of Nigeria, 2004; and for Related Matters (HB. 604) be now consolidated" (*Hon. Fulata Abubakar Hassan — Birninwa/Guri/Kiri-Kasama Federal Constituency*).

Agreed to.

- 8. A Bill for an Act to Repeal and Enact the Raw Materials Research and Development Council Act, Cap. R3, Laws of the Federation of Nigeria, 2004 and to Enact the Raw Materials Research and Development Council, Act; and for Related Matters (HB. 47) — Third Reading**
- Motion made and Question proposed*, "That a Bill for an Act to Repeal and Enact the Raw Materials Research and Development Council Act, Cap. R3, Laws of the Federation of Nigeria, 2004 and to Enact the Raw Materials Research and Development Council, Act; and for Related Matters (HB. 47) be now read the Third Time" (*Hon. Peter Akpatason — Deputy House Leader*).

Agreed to.

Bill read the Third Time and passed.

- 9. A Bill for an Act to Repeal the Commodity Board Act, Cap. C4Laws of the Federation of Nigeria, 2004 and Enact the Commodity and Grain Board as a Body Cooperate to Promote, Regulate and Standardize the Production, Exportation of such Commodities and Grains and for Related Matters (HB. 216) — Second Reading**

Motion made and Question proposed, "That a Bill for an Act to Repeal the Commodity Board Act, Cap. C4Laws of the Federation of Nigeria, 2004 and Enact the Commodity and Grain Board as a Body Cooperate to Promote, Regulate and Standardize the Production, Exportation of such Commodities and Grains and for Related Matters (HB. 216) be read a Second Time" (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

Debate.

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

Bill read the Second Time.

Bill referred to the Committee on Agricultural Production and Services.

10. **A Bill for an Act to Establish the Chartered Institute of Trade and Investment to Provide for Investment, Indemnity Assurance Scheme, Trade and Investment Tribunal, Trade and Investment Registry Data Bank; and for Related Matters (IIB. 154) — Second Reading**

Order read; deferred by leave of the House.

11. **A Bill for an Act to Further Alter the Provisions of the Constitution of the Federal Republic of Nigeria, 1999 to Provide for the Financial and Administrative Autonomy of Local Government Councils and Uniformity of Tenure across the country; and for Related Matters (IIB.505) — Second Reading**

Motion made and Question proposed, "That a Bill for an Act to Further Alter the Provisions of the Constitution of the Federal Republic of Nigeria, 1999 to Provide for the Financial and Administrative Autonomy of Local Government Councils and Uniformity of Tenure across the country; and for Related Matters (HB.505) be read a Second Time" (Hon. Mansur Manu Soro — Darazo/Ganjuwa Federal Constituency).

Debate.

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

Bill read the Second Time.

Bill referred to the Special Ad-hoc Committee on Constitution Review.

12. **A Bill for an Act to Provide for the Establishment of the Federal University of Sports, Afuze, Edo State and to make Comprehensive Provision for its Due Management and Administration; and for Related Matters (IIB.628) — Second Reading**

Order read; deferred by leave of the House.

13. **Restructuring Nigeria's Apprenticeship System and the Need to Expand Vocational Training Centres to Boost Youth Employment**

Motion made and Question proposed:

The House:

Notes that the undeniable and invaluable contributions of indigenous artisanship to societal and national development are weak;

Also notes that due to the shortage of adequate skilled artisanship various sectors of the economy has for long been identified as a bane of development in the country due to reliance on traditional or hereditary methods of apprenticeship;

Aware of the challenges posed by lack of quality and adequate manpower for housing, construction, automobile repair, steel work, renovation and fabrication works etc to individual citizens, urban managers and development planners;

Disturbed that consequent upon the failure to develop apprenticeship culture in Nigeria, Chinese and other expatriate artisans have taken over Nigeria's market to the detriment of local artisans thus kicking the indigenous artisans out of the market;

Further disturbed that the expatriate artisans repatriate half of the estimated over N900 billion they make to their home countries yearly;

Resolves to:

- (i) urge the Federal Government to de-emphasize paper qualification and give more attention to vocational education in order to stem the tide of unemployment among Nigeria's youths;
- (ii) also urge the Federal Government to restructure the country's apprenticeship system, expand existing Vocational Training Centers and build new skills Acquisition-Centers in all the States of the Federation;
- (iii) further urge the Nigeria Immigration Service (NIS) to verify the Immigration status of all expatriate artisans in the country and accordingly report back to the Committee on Interior;
- (iv) again urge the Director-General, National Directorate of Employment (NDE) to strategize action plan for youth employment in line with the agenda of the present administration (*Hon. Chukwuma Umefoji — Aguata Federal Constituency*).

*Debate.**Agreed to.*

The House:

Noted that the undeniable and invaluable contributions of indigenous artisanship to societal and national development are weak;

Also noted that due to the shortage of adequate skilled artisanship various sectors of the economy has for long been identified as a bane of development in the country due to reliance on traditional or hereditary methods of apprenticeship;

Aware of the challenges posed by lack of quality and adequate manpower for housing, construction, automobile repair, steel work, renovation and fabrication works etc to individual citizens, urban managers and development planners;

Disturbed that consequent upon the failure to develop apprenticeship culture in Nigeria, Chinese and other expatriate artisans have taken over Nigeria's market to the detriment of local artisans thus kicking the indigenous artisans out of the market;

Further disturbed that the expatriate artisans repatriate half of the estimated over N900 billion they make to their home countries yearly;

Resolved to:

- (i) urge the Federal Government to de-emphasize paper qualification and give more attention to vocational education in order to stem the tide of unemployment among Nigeria's youths;
- (ii) also urge the Federal Government to restructure the country's apprenticeship system, expand existing Vocational Training Centers and build new skills Acquisition-Centers in all the States of the Federation;
- (iii) further urge the Nigeria Immigration Service (NIS) to verify the Immigration status of all expatriate artisans in the country and accordingly report back to the Committee on Interior;
- (iv) again urge the Director-General, National Directorate of Employment (NDE) to strategize action plan for youth employment in line with the agenda of the present administration (**HR. 24/02/2020**).

14. Need to Utilize Zobe Dam in Dustin-ma Local Government Area of Kastina State

Order read; deferred by leave of the House.

15. Need to Relocate the Federal Medical Centre, Yola to Mubi North Local Government Area, Adamawa State

Motion made and Question proposed:

The House:

Aware that the Federal Government through the National Universities Commission is set to Upgrade Modibbo Adama University of Technology, Yola to a Conventional University and also the Federal Medical Centre, Yola to a Teaching Hospital of the University, this follows the successful passage of the Bill to establish a Medical College in Modibbo Adama University of Technology (MAUTECH), Yola and upgrade of the Federal Medical Centre (FMC), Yola to a Teaching Hospital by the National Assembly;

Notes that Mubi being one of the places ravaged by the insurgency attacks is a strategic location, relocating the Federal Medical Centre to Mubi will immensely cater for patients not only from Mubi, but also Maiha, Michika, Madagali, Hong, Gombi and some parts of Fufere and Song Local Government Areas of Adamawa State including Gwoza, Biu, Uba and Chibok in Borno State and indeed neighbouring Cameroon Republic;

Concerned that the distance to Yola and the deplorable condition of the road causes untold hardship and unnecessary delay to patients in dire need of Medical attention resulting to loss lives in transit while trying to reach to Yola for emergency medical situations;

Resolves to:

- (i) urge the Federal Ministry of Health to relocate the Federal Medical Centre Yola to Mubi in Mubi North Local Government Area of Adamawa State;
- (ii) mandate the Committees on Health Institutions, and Legislative Compliance to ensure compliance (*Hon. Jaafar Abubakar Magaji — Maiha/Mubi North/Mubi South Federal Constituency*).

Debate.

Motion withdrawn by leave of the House.

16. Call on the Independent National Electoral Commission to Create Additional Seven State Constituencies in Rivers State

Order read; deferred by leave of the House.

17. Need for the Nigeria Police Force to Implement Community Policing in their Postings

Motion made and Question proposed:

The House:

Notes that Nigeria is in a transitional and democratically developing stage and therefore experiencing periods of rapid social, economic and political changes with their resultant security challenges that are affecting state structures, agencies and their performances;

Also notes that critical to the changes is the development and sustenance of a strong police architecture with the capacity to effectively carry out its primary responsibility to maintain law and order and ensure peaceful co-existence among the citizens, as well as safeguard lives and properties;

Further notes that the community policing model is different from State Police being clamoured for by different States and is also different from the traditional vigilante structure or any other Police Community Forum being operated in different parts of the country;

Concerned that traditional policing approach is essentially reactive, and primarily law enforcement-based, and there is the need for a policing structure that is proactive and able to stop crime before it is committed, not responding to calls for service after the crime had been committed and most times, resulting in irreparable damages, including loss of lives;

Cognizant that community policing has remained a problem-solving approach to security challenges and management in many countries of the world, including the US, Israel, UK, Canada, Japan all of which are known for effective problem-solving and community engagement to address the causes of crime, fear of crime and other community issues;

Recalls a publication in the Daily Trust Newspaper of 3 September, 2019 where the Inspector General of Police stated that the President had approved the implementation of a new community police policy which will require the establishment of Special Constabulary in line with Part X of the Police Act, Cap. P19, Laws of the Federation of Nigeria, 2004;

Also recalls that the Community Policing Structure being adopted by the Government is such that "Special Constables will be drawn from members of the community to serve as voluntary community police officers under the coordination of the Nigeria Police Force";

Commends the President for the policy, however, there is the need for the Nigeria Police Force to adopt the Communities policing in their posting, accessing the ranks and file of the force, where officers are posted to serve in their various zones, states and Local communities of origin;

Believes also that the policy will have a far reaching effect, as officers will be saddled with responsibility of safety and well-being of their community of origin and also enhance police community relations, thereby checkmating crime rates and security challenges in general;

Resolves to:

- (i) urge the Nigeria Police Force to implement Community Policing in its postings; and
- (ii) mandate the Committee on Police Affairs to interface with the Nigeria Police Force to work out modalities for implementation of the policy and report back within four (4) weeks (*Hon. Francis Ejiroghene Waive — Ughelli North/Ughelli South/Udu Federal Constituency*).

Debate.

Motion withdrawn by leave of the House.

18. Resettlement of the Internally Displaced Persons (IDPs) from the Various Camps in Benue State
Motion made and Question proposed:

The House:

Notes that the Herder-Farmer crisis in Nigeria, particularly in Benue State, lead to internal displacement of thousands of people currently housed in the various IDP Camps across the State;

Aware that the crisis has gained notoriety that the Global Terrorism Index reported that about 8,000 people were killed between 2010 to 2013, and about 1,229 killed in 2014 with most fatalities occurring in the Benue Valley (North central states) particularly in Benue State;

Also aware that the Camp in Kwande houses not only displaced persons from Benue and neighboring States, but also from the Republic of Cameroun;

Cognizant that about 483,699 persons have been displaced in Benue State due to the ravaging Herders-Farmers conflict, leading to the establishment of eight IDP Camps in Guma, Makurdi, Agatu, Logo, Buruku, Okpokwu, Gwer West and Kwande Local Government Areas of the State;

Worried by the vulnerability of children and women frequently exploited at the Camps, leading to sexual perversion, harassment and other anti-social behaviours;

Further worried that the situation in Benue State has resulted in a human crisis of about 102,000 children of school age being out of school due to lack of access to schools in the Camps;

Disturbed that the Camps are characterized by poor hygiene resulting in outbreak of diseases such as cholera and other communicable diseases that put the lives of 34,986 displaced persons at risk and complicating life in the camps;

Regrets that the pathetic condition of the IDP Camps in Benue State came to the fore during a visit of the Vice President to the State, during one of the crisis in 2018 wherein he announced the Federal Government's approval of Ten Billion Naira (₦10,000,000) for rebuilding of the areas affected by the crisis, rehabilitation, resettlement and reintegration of the traumatized victims into their ancestral communities;

Further regret that over a year after the visit of the Vice President, the approved sum has not been released, thereby further compounding the plight of the displaced persons in the camps who are now dying of hunger as manifested in the recent deaths of eight (8) persons in the Mbawa IDPs Camp in Guma Local Government of Benue State;

Concerned that if urgent steps are not taken to rebuild the destroyed infrastructure such as schools hospitals and markets amongst others, to resettle the displaced and traumatized persons, a situation of state of neglect and helplessness will be created, thereby defeating the primary purpose of government as enshrined in the Constitution of the Federal republic of Nigeria, 1999 (as amended);

Resolves to:

- (i) urge the National Commission for Refugees, Migrants and Internally Displaced Persons to liaise with the Benue State Emergency Management Agency (SEMA), to ensure the disengagement and resettlement of internally displaced persons in the camps across the State;
- (ii) mandate the Committee on Internally Displaced Persons to liaise with the National Commission for Refugees, Migrants and Internally Displaced Persons to facilitate the immediate release of the sum of Ten Billion Naira (₦10b) approved for rebuilding the Communities and infrastructure affected by the Herders-Farmers conflicts to ensure prompt rehabilitation and reintegration of the traumatized victims in Benue State; and
- (iii) further mandate Committee on Defense to interact with the appropriate Security authorities to deploy enough troops to the affected communities to strengthen security of lives and property for full disengagement from the IDPs Camps (*Hon. Benjamin Bem Mzondur - Makurdi/Guma Federal Constituency*).

Amendment Proposed:

Insert a new Prayer (iv) as follows:

"Urge the National Directorate of Employment (NDE) to initiate empowerment, employment and poverty reduction schemes at their disposal to ease the plight of the displaced persons and communities" (*Hon. Chinedu Martins Emeka - Abiazu/Ezinifite Federal Constituency*).

Question that the amendment be made — Agreed to.

Question on the Motion as amended — Agreed to.

The House:

Noted that the Herder-Farmer crisis in Nigeria, particularly in Benue State, lead to internal displacement of thousands of people currently housed in the various IDP Camps across the State;

Aware that the crisis has gained notoriety that the Global Terrorism Index reported that about 8,000 people were killed between 2010 to 2013, and about 1,229 killed in 2014 with most fatalities occurring in the Benue Valley (North central states) particularly in Benue State;

Also aware that the Camp in Kwande houses not only displaced persons from Benue and neighboring States, but also from the Republic of Cameroun;

Cognizant that about 483,699 persons have been displaced in Benue State due to the ravaging Herders-Farmers conflict, leading to the establishment of eight IDP Camps in Guma, Makurdi, Agatu, Logo, Buruku, Okpokwu, Gwer West and Kwande Local Government Areas of the State;

Worried by the vulnerability of children and women frequently exploited at the Camps, leading to sexual perversion, harassment and other anti-social behaviours;

Further worried that the situation in Benue State has resulted in a human crisis of about 102,000 children of school age being out of school due to lack of access to schools in the Camps;

Disturbed that the Camps are characterized by poor hygiene resulting in outbreak of diseases such as cholera and other communicable diseases that put the lives of 34,986 displaced persons at risk and complicating life in the camps;

Regretted that the pathetic condition of the IDP Camps in Benue State came to the fore during a visit of the Vice President to the State, during one of the crisis in 2018 wherein he announced the Federal Government's approval of Ten Billion Naira (₦10,000,000) for rebuilding of the areas affected by the crisis, rehabilitation, resettlement and reintegration of the traumatized victims into their ancestral communities;

Further regretted that over a year after the visit of the Vice President, the approved sum has not been released, thereby further compounding the plight of the displaced persons in the camps who are now dying of hunger as manifested in the recent deaths of eight (8) persons in the Mbawa IDPs Camp in Guma Local Government of Benue State;

Concerned that if urgent steps are not taken to rebuild the destroyed infrastructure such as schools hospitals and markets amongst others, to resettle the displaced and traumatized persons, a situation of state of neglect and helplessness will be created, thereby defeating the primary purpose of government as enshrined in the Constitution of the Federal republic of Nigeria, 1999 (as amended);

Resolved to:

- (i) urge the National Commission for Refugees, Migrants and Internally Displaced Persons to liaise with the Benue State Emergency Management Agency (SEMA), to ensure the disengagement and resettlement of internally displaced persons in the camps across the State;
- (ii) urge the National Directorate of Employment (NDE) to initiate empowerment, employment and poverty reduction schemes at their disposal to ease the plight of the displaced persons and communities
- (iii) mandate the Committee on Internally Displaced Persons to liaise with the National Commission for Refugees, Migrants and Internally Displaced Persons to facilitate the immediate release of the sum of Ten Billion Naira (₦10b) approved for rebuilding the Communities and infrastructure affected by the Herders-Farmers conflicts to ensure prompt rehabilitation and reintegration of the traumatized victims in Benue State; and

- (iv) also mandate the Committee on Defense to interact with the appropriate Security authorities to deploy enough troops to the affected communities to strengthen security of lives and property for full disengagement from the IDPs Camps (HR. 25/02/2020).

19. Confronting the Menace of Falling Freight Containers in Nigeria

Motion made and Question proposed:

The House:

Notes the incessant cases of falling containers in Nigeria especially in Lagos State and the havoc leading to death sometimes permanent disability to the victims;

Aware that at the turn of this century, death toll on the world's road have hit 3,400 per day and nearly 1.3 million with up to 10 million injured every year as a result of falling containers as proclaimed by the United Nations (UN) between the period of 2010-date;

Concerned that during this period, the record of freight falling containers has increased especially in Lagos State, as Lagos is among the top shipping lines in Nigeria and among the Resolutions passed by the United Nations on "improving global road safety" that Apapa road should be attended to;

Also concerned that among key decisions reached on monitoring the progress of the roads, a summit for vehicle inspection and road safety officers which kicked off in Calabar has done little to avoid these disaster because of the bad portion of the road;

Resolves to:

- (i) call on the Federal Government to direct the Federal Road Maintenance Agency (FERMA) to expedite the ongoing road rehabilitation and call on the Vehicle Inspection Officers (VIO) to look at the road worthiness of "flatbed trucks";
- (ii) urge the Nigerian Shippers Council (NSC) under the aegis of Association of Maritime Truck Owners (AMARTO) to address bad condition of trucks plying the route of Nigerian Ports which has caused damages and deal with defaulters; and
- (iii) also urge the Federal Road Safety Commission (FRSC) to insist on the size and also adhere to the best international standard on flatbeds which are 104.1mm long, 55.9mm wide with a pointed top and rotated 90 degrees in order not to be detached (*Hon. Olufemi Bandele Adebajo — Alimosho Federal Constituency*).

Debate.

Amendments Proposed:

- (i) *Insert* a new Prayer (iv) as follows:
"Urge the Nigerian Shippers Council to ensure proper latching of containers before loading and off-loading at all points" (*Hon. Isiaka A. Ibrahim — Ifo/Ewekoro Federal Constituency*).

Question that the amendment be made — Agreed to.

- (ii) *Insert* a new Prayer (v) as follows:
"Urge the Security Agencies to impound any articulated vehicles carrying container without latching until such compliance is carried out" (*Hon. Isiaka A. Ibrahim — Ifo/Ewekoro Federal Constituency*).

Question that the amendment be made. — Agreed to.

(iii) *Insert a new Prayer (vi) as follows:*

“Urge the Federal Road Safety Commission (FRSC) to re-introduce weight bridges which were in existence on Federal roads across the country to determine actual corresponding weight of the containers” (*Hon. Sada Soli — Jibia/Kaita Federal Constituency*).

Question that the amendment be made — Agreed to.

(iii) *Insert a new Prayer (vii) as follows:*

“Urge the Road Transport Workers Union to persistently arrange on-the-job training for the truck drivers to evaluate their comportment” (*Hon. Sada Soli — Jibia/Kaita Federal Constituency*).

Question that the amendment be made — Agreed to.

Question on the Motion as amended — Agreed to.

The House:

Noted the incessant cases of falling containers in Nigeria especially in Lagos State and the havoc leading to death sometimes permanent disability to the victims;

Aware that at the turn of this century, death toll on the world's road have hit 3,400 per day and nearly 1.3 million with up to 10 million injured every year as a result of falling containers as proclaimed by the United Nations (UN) between the period of 2010-date;

Concerned that during this period, the record of freight falling containers has increased especially in Lagos State, as Lagos is among the top shipping lines in Nigeria and among the Resolutions passed by the United Nations on “improving global road safety” that Apapa road should be attended to;

Also concerned that among key decisions reached on monitoring the progress of the roads, a summit for vehicle inspection and road safety officers which kicked off in Calabar has done little to avoid these disaster because of the bad portion of the road;

Resolved to:

- (i) call on the Federal Government to direct the Federal Road Maintenance Agency (FERMA) to expedite the ongoing road rehabilitation and call on the Vehicle Inspection Officers (VIO) to look at the road worthiness of “flatbed trucks”;
- (ii) urge the Nigerian Shippers Council (NSC) under the aegis of Association of Maritime Truck Owners (AMARTO) to address bad condition of trucks plying the route of Nigerian Ports which has caused damages and deal with defaulters;
- (iii) also urge the Federal Road Safety Commission (FRSC) to insist on the size and also adhere to the best international standard on flatbeds which are 104.1mm long, 55.9mm wide with a pointed top and rotated 90 degrees in order not to be detached;
- (iv) further urge the Nigerian Shippers Council to ensure proper latching of containers before loading and off-loading at all points;
- (v) again urge the Security Agencies to impound any articulated vehicles carrying container without latching until such compliance is carried out;
- (vi) still urge the Federal Road Safety Commission (FRSC) to re-introduce weight bridges which were in existence on Federal roads across the country to determine actual corresponding weight of the containers; and

- (vii) urge the Road Transport Workers Union to persistently arrange on-the-job training for truck drivers to evaluate their comportment (HR. 26/02/2020).

20. Consideration of Reports

- (i) *A Bill for an Act to Establish the Federal University, Gashua and to make Comprehensive Provision for its due Management and Administration; and for Related Matters (HB. 503) (Committee of the Whole):*

Motion made and Question proposed, "That the House do consider the Report on a Bill for an Act to Establish the Federal University, Gashua and to make Comprehensive Provision for its due Management and Administration; and for Related Matters (HB. 503)" (Hon. Fulata Abubakar Hassan — Birninwa/Guri/Kiri-Kasama Federal Constituency).

Agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO ESTABLISH THE FEDERAL UNIVERSITY,
GASHUA AND TO MAKE COMPREHENSIVE PROVISIONS FOR ITS DUE
MANAGEMENT AND ADMINISTRATION AND OTHER RELATED MATTERS

PART I — ESTABLISHMENT, CONSTITUTION AND FUNCTIONS
OF FEDERAL UNIVERSITY, GASHUA

Clause 1: Establishment and Objects of the Federal University, Gashua.

- (1) There is established the Federal University, Gashua (in this Bill referred to as "the University").
- (2) The University:
 - (a) shall be a body corporate with perpetual succession and a common seal; and
 - (b) may sue or be sued in its corporate name and shall have power to acquire, hold and dispose of movable properties (*Hon. Fulata Abubakar Hassan — Birninwa/Guri/Kiri-Kasama Federal Constituency.*

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

Clause 2: Objects of the University.

The objects of the University shall be to:

- (a) encourage the advancement of learning and to hold out to all persons without distinction of race, creed, sex or political conviction the opportunity of acquiring higher and liberal education;
- (b) provide courses of instruction and other facilities for the pursuit of learning in all its branches, and to make those facilities available on proper terms to such persons as are equipped to benefit from them;
- (c) encourage and promote scholarship and conduct research in restricted fields of learning and human endeavour;

- (d) relate its activities to the social, cultural and economic needs of the people of Nigeria; and
- (e) undertake other activities appropriate for a University of the highest standard (*Hon. Fulata Abubakar Hassan — Birninwa/Guri/Kiri-Kasama Federal Constituency.*

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

Clause 3:

Constitution of the University and its Constituent Bodies, etc.

- (1) The University shall consist of :
 - (a) a Chancellor;
 - (b) a Pro-Chancellor and a Council;
 - (c) a Vice Chancellor and a Senate;
 - (d) a Deputy Vice-Chancellor;
 - (e) a body to be called Congregation;
 - (f) a body to be called Convocation;
 - (g) the Campuses and Colleges of the University;
 - (h) the Faculties, Schools, Institutes and other teaching and Research Units of the University;
 - (i) the persons holding the offices constituted by the First Schedule to this Bill other than those mentioned in paragraphs (a) to (c) of this subsection;
 - (j) all graduates and undergraduates; and
 - (k) all other persons who are members of the University in accordance with provisions made by Statute in that behalf.
- (2) The First Schedule to this Bill shall have effect with respect to the Principal Officers of the University mentioned therein.
- (3) Provision shall be made by Statute with respect to the constitution of the following bodies, namely:
 - (a) the Council;
 - (b) the Senate;
 - (c) the Congregation; and
 - (d) the Convocation (*Hon. Fulata Abubakar Hassan — Birninwa/Guri/Kiri-Kasama Federal Constituency.*

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

Clause 4: Powers of the University.

- (1) For the carrying out of its objects as specified in section 2 of this Bill, the University shall have power to:
- (a) establish such campuses, colleges, faculties, institutes, schools, extra-mural departments and other teaching and research units within the University as may from time to time seem necessary or desirable, subject to the approval of the National Universities Commission;
 - (b) institute professorships, readerships and associate professorships, lectureships and other posts and offices and to make appointments thereto;
 - (c) institute and award fellowships, scholarships, exhibitions, bursaries, medals, prizes and other titles, distinctions, awards and forms of assistance;
 - (d) provide for the residence, discipline and welfare of members of the University;
 - (e) hold examinations and award degrees, diplomas, certificates and other distinctions to persons who have pursued a course of study approved by the University and have satisfied such other requirements as the University may lay down;
 - (f) award honorary degrees, fellowships or academic titles;
 - (g) demand and receive from any student or any other person attending the University for the purpose of instruction such fees as the University may from time to time determine, subject to the overall directives of the appropriate authority;
 - (h) subject to section 22 of this Bill, to acquire, hold, grant, charge or otherwise deal with or dispose of movable and immovable property wherever situate;
 - (i) accept gifts, legacies and donations, but without obligation to accept the same for a particular purpose unless it approves the terms and conditions attached thereto;
 - (j) enter into contracts, establish trusts, act as trustee, solely or jointly with any other person, and employ and act through agents;
 - (k) erect, provide, equip and maintain libraries, laboratories, lecture halls, halls of residence, refectories, sports grounds, playing fields and other buildings or things necessary, suitable or convenient for any of the objects of the University;
 - (l) hold public lectures and undertake printing, publishing and book selling;
 - (m) subject to any limitations or conditions imposed by Statute, to invest any moneys appertaining to the University by law of endorsement, whether for general or special purposes, and such other moneys as may not be immediately required for current expenditure, in any investments or securities or in the purchase or improvement of land.

with power from time to time to vary any such investments and to deposit any moneys for the time being un-invested with any bank on deposit or current account;

- (n) borrow, whether on interest or not, and if need be, upon the security of any or all of the property movable or immovable of the University, such moneys as the Council may from time to time in its discretion find necessary or expedient to borrow or to guarantee any loan, advances or credit facilities;
 - (o) make gifts for any charitable purpose;
 - (p) do anything which it is authorized or required by this Bill or by any other Statute to do; and
 - (q) do all such acts or things, whether or not incidental to the foregoing powers, as may advance the objects of the University.
- (2) Subject to the provisions of this Bill and of the Statutes made thereunder and without prejudice to section 9 (2) of this Bill, the powers conferred on the University by subsection (1) of this section shall be exercisable on behalf of the University by the Council or by the Senate or in any other manner which may be authorized by this Bill (*Hon. Fulata Abubakar Hassan — Birninwa/Guri/Kiri-Kasama Federal Constituency*).

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

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

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

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

Clause 6: Establishment and Composition of Council.

- (1) There shall be a Council for the University consisting of:
 - (a) the Pro-Chancellor;
 - (b) the Vice-Chancellor;
 - (c) the Deputy Vice-Chancellors;
 - (d) one person from the Federal Ministry responsible for Education;
 - (e) four persons representing a variety of interests and broadly representative of the whole Federation;
 - (f) four persons appointed by the Senate from among its members;

- (g) two persons appointed by the congregation from among its members; and
 - (h) one person appointed by Convocation from among its members.
- (2) Persons to be appointed to the Council shall be persons of proven integrity, knowledgeable and familiar with the affairs and tradition of the University (*Hon. Fulata Abubakar Hassan — Birninwa/Guri/Kiri-Kasama Federal Constituency*).

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

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

- (1) Subject to the provisions of this Bill relating to the Visitor, the Council shall be the Governing Body of the University and shall be charged with the general control and superintendence of the policy, finances and property of the University, including its public relations.
- (2) There shall be a Committee of the Council to be known as the Finance and General Purposes Committee, which shall, subject to the directions of the Council, exercise control over the property and expenditure of the Council as the Council may from time to time delegate to it.
- (3) Provision shall be made by Statute with respect to the constitution of the Finance and General Purposes Committee.
- (4) The Council shall ensure proper accounts of the University are kept and that the accounts of the University are audited annually by auditors appointed by the Council from the list and in accordance with guidelines supplied by the Auditor-General of the Federation, and that an annual report is published by the University together with certified copies of the said accounts as audited.
- (5) Subject to this Bill and the Statutes, the Council and the Finance and General Purposes Committee may each make rules for the purpose of exercising any of their respective functions or of regulating their own procedure.
- (6) Rules made under subsection (5) of this section by the Finance and General Purposes Committee shall not come into force unless approved by the Council, and where any rule so made by the Committee conflict with any directions given by the Council (whether before or after the coming into force of the rules in question), the direction of the Council shall prevail.
- (7) There shall be paid to the members of the Council, the Finance and General Purposes Committee and of any other committee set up by the Council, allowances in respect of travelling and other reasonable expenses, at such rates as may from time to time be fixed by extant government circulars.
- (8) The Council shall meet as and when necessary for the performance of its functions under this Bill, and shall meet at least four times every year.
- (9) If required in writing by any five members of the Council, the Chairman shall within twenty-eight days after the receipt of such request, call a meeting of the Council:

PROVIDED that if after 28 days of the receipt or delivering to him of such request, the Chairman fails or neglects to call a meeting, the Registrar shall within 14 days, cause a meeting of the Council to be convened for that purpose. The request shall specify the business to be considered at the meeting and no business not so specified shall be transacted at that meeting (*Hon. Fulata Abubakar Hassan — Birninwa/Guri/Kiri-Kasama Federal Constituency.*)

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

Clause 8: Functions of the Senate.

- (1) Subject to section 5 of this Bill and subsections (3) and (4) of this section and to the provisions of this Bill relating to the Visitor, it shall be the general function of the Senate to organize and control teaching in the University, admission of students, the discipline of students and to promote research in the University.
- (2) Without prejudice to the generality of the provisions of subsection (1) of this section, it shall in particular be the function of the Senate to make provision for the:
 - (a) establishment, organization and control of campuses, colleges, faculties, departments, schools, institutes and other teaching and research units of the University, and the allocation of responsibility for different branches of learning;
 - (b) organization and control of courses of study in the University and of the examinations held in conjunction with those courses, including the appointment of examiners, both internal and external;
 - (c) award of degrees, and such other qualifications as may be prescribed, in connection with examinations conducted by the University;
 - (d) making of recommendations to the Council with respect to the award to any person of an honorary fellowship or honorary degree or the title of professor emeritus;
 - (e) establishment, organization and control of halls of residence and similar institutions in the University;
 - (f) supervision of the welfare of students in the University and the regulation of their conduct;
 - (g) granting of fellowships, scholarships, prizes and similar awards in so far as the awards are within the control of the University; and
 - (h) determination of what description of dress shall be academic dress for the purposes of the University, and regulating the use of academic dress.
- (3) The Senate shall not establish any new campus, college, faculty, department, school, institute or other teaching and research units of the University, or any hall of residence or similar institution at the University without the approval of the Council.

- (4) (a) Subject to this Bill and the Statutes, the Senate may make regulations for the purpose of exercising any function conferred on it either by the provisions of this section or for the purpose of providing for any matter for which provision by regulation is authorized or required by this Bill or by Statute.
- (b) The Senate shall, by regulation, provide that at least one of the persons appointed as examiners at each final or professional examination held in conjunction with any course of study in the University is not a teacher at the University but is a teacher at the branch of learning to which the course relates in some other university of high repute.
- (5) Subject to a right of appeal to the Council from a decision of the Senate under this subsection, the Senate may deprive any person of any degree, diploma or other award of the University which has been conferred on him if after due enquiry he is shown to have been guilty of any dishonourable or scandalous conduct in gaining admission into the University or obtaining that award (*Hon. Fulata Abubakar Hassan — Birninwa/Guri/Kiri-Kasama Federal Constituency*).

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

Clause 9: Functions of the Vice-Chancellor.

- (1) The Vice-Chancellor shall, in relation to the University, take precedence before all other members of the University except the Chancellor and, subject to section 5 of this Bill, the Pro-Chancellor and any other person for the time being acting as Chairman of the Council.
- (2) Subject to the provisions of this Bill, the Vice-Chancellor shall have general function, in addition to any other functions conferred on him by this Bill or otherwise, of directing the activities of the University, and shall to the exclusion of any other person or authority be the chief executive and academic officer of the University and *ex-officio* Chairman of the Senate (*Hon. Fulata Abubakar Hassan — Birninwa/Guri/Kiri-Kasama Federal Constituency*).

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

PART II — TRANSFER OF PROPERTY

Clause 10: Transfer of Property to the University.

- (1) All property held by or on behalf of the Provisional Council shall, by virtue of this subsection and without further assurance, vest in the University and be held by it for the purpose of the University.
- (2) The provisions of the Second Schedule to this Bill shall have effect with respect to the transfer of property by this section and to matters arising therefrom and with respect to other matters mentioned in that Schedule (*Hon. Fulata Abubakar Hassan — Birninwa/Guri/Kiri-Kasama Federal Constituency*).

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

PART III — STATUTES OF THE UNIVERSITY

Clause 11: Power of the University to make Statutes.

- (1) Subject to this Bill, the University may make Statutes for any of the following purposes:
 - (a) making provision with respect to the composition and constitution of any authority of the University;
 - (b) specifying and regulating the powers and duties of any authority of the University, and regulating any other matter connected with the University or any of its authorities;
 - (c) regulating the admission of students where it is done by the University, and their discipline and welfare;
 - (d) determining whether any particular matter is to be treated as an academic or non-academic matter for the purposes of this Bill and of any Statute, regulation or other instrument made there-under; and
 - (e) making provision for other matters for which provision by Statute is authorized or required by this Bill.
- (2) Subject to section 25 (6) of this Bill, the Interpretation Bill shall apply in relation to any Statute made under this section as it applies to a subsidiary instrument within the meaning of section 27 (1) of that Bill.
- (3) The Statute contained in the Third Schedule to this Bill shall be deemed to have come into force on the commencement of this Bill and shall be deemed to have been made under this section by the University.
- (4) The power to make Statutes conferred by this section shall not be prejudiced or limited in any way by reason of the inclusion or omission of any matter in or from the Statute contained in the Third Schedule to this Bill or any subsequent Statute (*Hon. Fulata Abubakar Hassan — Birninwa/Guri/Kiri Kasama Federal Constituency*).

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

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

- (1) The power of the University to make Statutes shall be exercised in accordance with the provisions of this section.
- (2) A proposed Statute shall not have the force of law until it has been approved at a meeting of the:
 - (a) Senate, by the votes of not less than two thirds of the members present and voting; and
 - (b) Council by the votes of not less than two thirds of the members present and voting.
- (3) A proposed Statute may originate either in the Senate or Council, and may be approved as required by subsection (2) of this section by both bodies in no particular order.

- (4) A Statute which:
- (a) makes provision for or alters the composition or constitution of the Council, the Senate or any other authority of the University; or
 - (b) provides for the establishment of a new campus or college or for the amendment or revocation of any Statute whereby a campus or college is established,

shall not come into operation unless it has been approved by the Visitor.

- (5) For the purpose of section 2 (2) of the Interpretation Act, a Statute shall be treated as being made on the date on which it is approved by the Council and the Senate in accordance with subsection (3) of this section or in the case of a Statute falling within subsection (4) of this section, on the date on which it is approved by the President (*Hon. Fulata Abubakar Hassan — Birninwa/Guri/Kiri-Kasama Federal Constituency*).

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

Clause 13: Proof of Statute.

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

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

Clause 14: Power to decide the meaning of Statute.

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

PROVIDED that nothing in this subsection shall affect the power of a court of competent jurisdiction to determine whether any provision of a statute is wholly or partly void as being ultra vires or as being inconsistent with the Constitution.

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

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

PART IV — SUPERVISION AND DISCIPLINE

Clause 15: The Visitor.

- (1) The President shall be the Visitor of the University.
- (2) The Visitor shall as often as the circumstances may require, not being less than once every five years, conduct a visitation of the University or direct that such a visitation be conducted by such persons as the Visitor may deem fit and in respect of any of the affairs of the University.
- (3) It shall be the duty of the bodies and persons comprising the University to:
 - (a) make available to the Visitor, and to any other persons conducting a visitation in pursuance of this section, such facilities and assistance as he or they may reasonably require for the purpose of the visitation; and
 - (b) give effect to any instructions consistent with the provisions of this Bill which may be given by the Visitor in consequence of the visitation (*Hon. Fulata Abubakar Hassan — Birninwa/Guri/Kiri-Kasama Federal Constituency.*

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

Clause 16: Removal of certain Members of the Council.

- (1) If it appears to the Council that a member (other than the Pro-Chancellor or the Vice-Chancellor) should be removed from office on grounds of misconduct or inability to perform the functions of his office, the Council shall make a recommendation to that effect through the Minister to the Visitor and if the Visitor, after making such enquiries (if any) as may be considered necessary, approves the recommendation, may direct the removal of the member from office.
- (2) It shall be the duty of the Minister to use his best endeavours to cause a Copy of the instrument embodying a direction under subsection (1) of this section to be served as soon as reasonably practicable on the person to whom it relates (*Hon. Fulata Abubakar Hassan — Birninwa/Guri/Kiri-Kasama Federal Constituency.*

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

Clause 17: Removal and discipline of Academic, Administrative and Professional Staff.

- (1) If it appears to the Council that there are reasons for believing that any person employed as a member of the Academic, Administrative or Professional staff of the University, other than the Vice-Chancellor, should be removed from office or on grounds of misconduct or inability to perform the functions of his office Council shall:
 - (a) give notice of those reasons to the person in question;
 - (b) afford such person an opportunity of making representation in person on the matter to the Council; and
 - (c) take a decision to terminate or not to terminate the appointment.

- (2) If the affected staff or any three members of the Council so request within a period of one month from the date of receipt of the notice of the Council decision, the Council shall make arrangements for:
- (a) a Joint Committee of the Council and the Senate to review the matter and to report on it to the Council;
 - (b) the person in question to be afforded an opportunity to appear before and be heard by an Investigating Committee with respect to the matter;
- and if the Council after considering the report of the investigating committee, is satisfied that the person in question should be removed, the Council may so remove him by an instrument in writing signed on the directions of the Council.
- (3) The Vice-Chancellor may, in a case of gross misconduct by a member of staff which in the opinion of the Vice-Chancellor is prejudicial to the interest of the University, suspend such member and any such suspension shall immediately be reported to the Council.
- (4) Any member of staff may be suspended from duty or his appointment may be terminated by Council for a good cause and for the purposes of this subsection "good cause" means:
- (a) conviction for any offence which the Council considers to be such as to render the person concerned unfit for the discharge of the functions of his office;
 - (b) any physical or mental incapacity which the Council, after obtaining medical advice, considers to be such as to render the person concerned unfit to continue to hold office;
 - (c) conduct of a scandalous or disgraceful nature which the Council considers to be such as to render the person concerned unfit to continue to hold office; or
 - (d) conduct which the Council considers to be such as to constitute a failure or inability of the person concerned to discharge the functions of his office or to comply with the terms and conditions of his service.
- (5) Any person suspended pursuant to subsection (3) of this section shall be on half pay and the Council shall before the expiration of a period of three months from the date of such suspension consider the case against that person and come to a decision as to whether to:
- (a) continue such person's suspension and if so on what terms (including the proportion of his emoluments to be paid to him);
 - (b) reinstate such person in which case the Council shall restore his full emoluments with effect from the date of suspension;
 - (c) terminate the appointment of the person concerned in which case such a person will not be entitled to the proportion of his emoluments withheld during the period of suspension; or

- (d) take such lesser disciplinary action against such person (including the restoration of such proportion of his emoluments that might have been withheld) as the Council may determine.
- (6) Where the Council, pursuant to this section, decides to continue a person's suspension or decides to take further disciplinary action against the person, the Council shall, before the expiration of three months from such decision, come to a final determination in respect of the case concerning such a person.
- (7) It shall be the duty of the person by whom an instrument of removal is signed in pursuance of subsection (1) above to use his best endeavours to cause a copy of the instrument to be served as soon as reasonably practicable on the person to whom it relates.
- (8) Nothing in the foregoing provisions of this section shall prevent the Council from making regulations for the discipline of staff and workers of the University as may be appropriate (*Hon. Fulata Abubakar Hassan — Birninwa/Guri/Kiri-Kasama Federal Constituency*).

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

Clause 18: Removal of Examiners.

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

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

Clause 19: Discipline of Students.

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

- (c) student be rusticated for such period as may be specified in the direction.
- (2) Where a direction is given under subsection (1) paragraphs (b) or (c) of this section in respect of any student, the student may, within the prescribed period and in the prescribed manner, appeal against the direction to the Senate.
- (3) Where an appeal is brought pursuant to subsection (2) of this section, the Senate shall, after causing such inquiry to be made in the matter as the Senate considers just, either confirm or set aside the direction or modify it in such manner as the Senate thinks fit.
- (4) The fact that an appeal from a direction is brought pursuant to subsection (2) of this section shall not affect the operation of the direction while the appeal is pending.
- (5) The Vice-Chancellor may delegate his powers under this section to a disciplinary board consisting of such members of the University as he may nominate.
- (6) Nothing in this section shall be construed as preventing the restriction or termination of a student's activities at the University for conduct which in the opinion of Senate is prejudicial to the interest of the University or to its corporate objective or image.
- (7) A direction under subsection (1) (a) of this section may be combined with a direction under subsection (1) (b) of this section (*Hon. Fulata Abubakar Hassan — Birninwa/Guri/Kiri-Kasama Federal Constituency*).

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

PART V — MISCELLANEOUS AND GENERAL PROVISIONS

Clause 20: Exclusion or discrimination on account of race, religion, etc.

- (1) No person shall be required to satisfy requirements as to any of the following matters, that is to say, race (including ethnic grouping) sex, place of birth, family origin, religious or political persuasion, as a condition for becoming or continuing to be a:
- (a) student in the University;
- (b) holder of any degree, appointment or employment in the University; or
- (c) member of any body established by virtue of this Bill.
- (2) No person shall be subjected to any disadvantage or accorded any advantage in relation to the University by reference to any of the matters referred to in subsection (1) of this section.
- (3) Nothing in subsection (1) of this section shall be construed as preventing the University from imposing any disability or restriction on any of the persons specified in subsection (1) of this section where such persons wilfully refuse or fail on grounds of religious belief to undertake any duty generally and uniformly imposed on all such persons or any group of them which duty, having regard to its nature and the special circumstances, is in the opinion

of the University reasonably justifiable in the national interest (*Hon. Fulata Abubakar Hassan — Birninwa/Guri/Kiri-Kasama Federal Constituency.*

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

Clause 21: Transfer of land to the University.

- (1) For the purpose of the Land Use Act (which provides for the compulsory acquisition of land for public purposes) any purpose of the University shall be the same as that of the Federation.
- (2) Where an estate or interest in land is acquired by the Government pursuant to this section, the Government may, by a certificate under the hand and seal of the Chief Federal Lands Officer or any other person authorized in that behalf transfer it to the University (*Hon. Fulata Abubakar Hassan — Birninwa/Guri/Kiri-Kasama Federal Constituency.*

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

Clause 22: Restriction on disposal of land by University.

Without prejudice to the provisions of the Land Use Act, the University shall not dispose of or charge any land or an interest in any land (including any land transferred to the University by this Bill) except with the prior written consent, either general or special, of the Visitor:

PROVIDED that such consent shall not be required in the case of any lease or tenancy at a rack-rent for a term not exceeding twenty-one years of any lease or tenancy to a member of the University for residential purpose (*Hon. Fulata Abubakar Hassan — Birninwa/Guri/Kiri-Kasama Federal Constituency.*

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

Clause 23: Quorum and procedure of bodies established by this Bill.

Except as may be otherwise provided by Statute or by Regulation, the quorum and procedure of any body of persons established by this Bill shall be such as may be determined by that body (*Hon. Fulata Abubakar Hassan — Birninwa/Guri/Kiri-Kasama Federal Constituency.*

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

Clause 24: Appointment of Committees, etc.

- (1) Anybody of persons established by this Bill shall, without prejudice to the generality of the powers of that body, have power to appoint committees, which need not consist exclusively of members of that body and authorize a committee established by it to:
 - (a) exercise on its behalf, such of its functions as it may determine; and
 - (b) co-opt members and direct whether or not co-opted members shall be entitled to vote in that committee.
- (2) Any two or more such bodies may arrange for the holding of joint meetings of those bodies or for the appointment of committees consisting of members of those bodies, for the purpose of considering any matter within the competence of those bodies or any of them and either dealing with it or of reporting on it to those bodies or any of them.

- (3) Except as may be otherwise provided by Statute or Regulations, the quorum and procedure of a committee established or meeting held pursuant to this section shall be such as may be determined by the body or bodies which have decided to establish the committee or hold the meeting.
- (4) The Pro-Chancellor and the Vice-Chancellor shall be members of every committee of which the members are wholly or partly appointed by the Council, (other than a committee appointed to inquire into the conduct of the officer in question) and the Vice-Chancellor shall be a member of every committee of which the members are wholly or partly appointed by the Senate.
- (5) Nothing in the foregoing provisions of this section shall be construed as enabling:
 - (a) statutes to be made otherwise than in accordance with section 11 of this Bill;
 - (b) the Senate to empower any other body to make Regulations or to award degrees or other qualifications (*Hon. Fulata Abubakar Hassan — Birninwa/Guri/Kiri-Kasama Federal Constituency.*

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

Clause 25: Miscellaneous Administrative provisions.

- (1) The seal of the University shall be such as may be determined by the Council and approved by the Chancellor and the affixing of the seal shall:
 - (a) in the case of certificates issued by the University, be authenticated by the Vice-Chancellor and the Registrar; and
 - (b) in the case of any other document, be authenticated by any member of Council, the Vice-Chancellor and the Registrar or any other person authorized by Statute.
- (2) Any document purporting to be a document executed under the seal of the University shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.
- (3) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the University by any person generally or specially authorized to do so by the Council without seal.
- (4) The validity of the proceedings of any body established pursuant to this Bill shall not be affected by any vacancy in the membership of the body, or by any defect in the appointment of a member of the body or by reason that any person not entitled to do so took part in the proceedings.
- (5) Any member of any such body who has a personal interest in any matter proposed to be considered by that body shall disclose his interest to the body and shall not vote on any question relating to that matter.
- (6) Nothing in section 12 of the Interpretation Bill (which provides for the application, in relation to subsidiary legislation, of certain incidental provisions) shall apply to Statutes or Regulations made pursuant to this Bill.

- (7) The power conferred by this Bill on anybody to make Statute or Regulations shall include power to revoke or vary any:
- (a) Statute (including the Statute contained in the Third Schedule to this Bill;
 - (b) regulation by a subsequent Statute or Regulation as the case may be:
- PROVIDED that the Statutes and Regulations may have different provisions in relation to different circumstances.
- (8) No stamp or other duty shall be payable in respect of any transfer of property to the University by virtue of sections 10, 21 and the Second Schedule to this Bill.
- (9) Any notice or other instrument authorized to be served by virtue of this Bill may, without prejudice to any other mode of service, be served by post (Hon. Fulata Abubakar Hassan — Birninwa/Guri/Kiri-Kasama Federal Constituency).

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

Clause 26: Interpretation.

- (1) In this Bill:

"the Act" means the Federal University, Gashua Act (Hon. Fulata Abubakar Hassan — Birninwa/Guri/Kiri-Kasama Federal Constituency).

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

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

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

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

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

"college" means any college which may be established by the University (Hon. Fulata Abubakar Hassan — Birninwa/Guri/Kiri-Kasama Federal Constituency).

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

"graduate" means a person on whom a degree (other than an honorary degree) has been conferred by the University (Hon. Fulata Abubakar Hassan — Birninwa/Guri/Kiri-Kasama Federal Constituency).

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

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

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

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

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

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

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

"notice" means notice in writing (Hon. Fulata Abubakar Hassan — Birninwa/Guri/Kiri-Kasama Federal Constituency).

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

"officer" does not include the Visitor (Hon. Fulata Abubakar Hassan — Birninwa/Guri/Kiri-Kasama Federal Constituency).

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

"prescribed" means prescribed by Statute or Regulation made under this Bill (Hon. Fulata Abubakar Hassan — Birninwa/Guri/Kiri-Kasama Federal Constituency).

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

"professor" means a person designated as a professor of the University in accordance with provisions made in that behalf by Statute or by Regulations (Hon. Fulata Abubakar Hassan — Birninwa/Guri/Kiri-Kasama Federal Constituency).

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

"property" includes rights, liabilities and obligations (Hon. Fulata Abubakar Hassan — Birninwa/Guri/Kiri-Kasama Federal Constituency).

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

"the Provisional Council" means the provisional Council appointed for the University by the President with effect from September 2011 (Hon. Fulata Abubakar Hassan — Birninwa/Guri/Kiri-Kasama Federal Constituency).

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

"regulations" means regulations made by the Senate or Council (Hon. Fulata Abubakar Hassan — Birninwa/Guri/Kiri-Kasama Federal Constituency).

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

"Senate" means the Senate of the University established by the Bill (Hon. Fulata Abubakar Hassan — Birninwa/Guri/Kiri-Kasama Federal Constituency).

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

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

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

"the Statutes" means all such Statutes as are in force from time to time (Hon. Fulata Abubakar Hassan — Birninwa/Guri/Kiri-Kasama Federal Constituency).

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

"teacher" means a person holding a full time appointment as a member of the teaching or research staff of the University (Hon. Fulata Abubakar Hassan — Birninwa/Guri/Kiri-Kasama Federal Constituency).

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

"Government" means the Federal Government of Nigeria (Hon. Fulata Abubakar Hassan — Birninwa/Guri/Kiri-Kasama Federal Constituency).

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

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

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

"Constitution" means the Constitution of the Federal Republic of Nigeria (Hon. Fulata Abubakar Hassan — Birninwa/Guri/Kiri-Kasama Federal Constituency.

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

"undergraduate" means a person in statu pupilaris in the University, other than:

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

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

"the University" the Federal University, Gashua as incorporated and constituted by this Bill; and (Hon. Fulata Abubakar Hassan — Birninwa/Guri/Kiri-Kasama Federal Constituency.

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

"the Visitor" means the President of the Federal Republic of Nigeria (Hon. Fulata Abubakar Hassan — Birninwa/Guri/Kiri-Kasama Federal Constituency.

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

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

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

Clause 27: Short Title.

This Bill may be cited as the Federal University, Gashua (Establishment, etc.) Bill, 2020 (Hon. Fulata Abubakar Hassan — Birninwa/Guri/Kiri-Kasama Federal Constituency.

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

SCHEDULES

FIRST SCHEDULE

Section 3 (2)

PRINCIPAL OFFICERS OF THE UNIVERSITY

The Chancellor

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

The Pro-Chancellor

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

The Vice-Chancellor

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

Deputy Vice-Chancellor

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

Office of the Registrar, Bursar and University Librarian

5. (1) There shall be for the University, a Registrar, who shall be the Chief Administrative Officer of the University and shall be responsible to the Vice-Chancellor for the day-to-day administration of the University except as regards matters for which the Bursar is responsible in accordance with paragraph 6 (2) below.
(2) The person holding the office of Registrar shall by virtue of that office be Secretary to the Council, the Senate, Congregation and Convocation.

- (3) The Registrar, Bursar and Librarian shall hold office for a single term of five (5) years only effective from the date of appointment and on such terms and conditions as may be specified in the appointment letter.
 - (4) In addition to the above, the Council may, upon satisfactory performance, extend the tenure of the Registrar, Bursar or Librarian for a further period of one (1) year only and thereafter the Registrar, Bursar or Librarian shall relinquish the post and be assigned to other duties in the University.
6.
 - (1) There shall be for the University, the following Principal Officers in addition to the Registrar, that is:
 - (a) the Bursar; and
 - (b) the University Librarian.
 - (2) The Bursar shall be the Chief Financial Officer of the University and shall be responsible to the Vice-Chancellor for the day-to-day administration and control of the financial affairs of the University.
 - (3) The University Librarian shall be responsible to the Vice-Chancellor for the administration of the University Library and the co-ordination of all library services in the University and its campuses, colleges, faculties, schools, departments and institutes and other teaching or research units.
 - (4) The Bursar and the University Librarian shall each hold office for such period and on such terms and conditions as to emoluments as may be specified in his letter of appointment.

Other Officers of the University

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

Resignation and re-appointment

9.
 - (1) Any officer mentioned in the foregoing provisions of this schedule may resign his office in:
 - (a) the case of the Chancellor or Pro-Chancellor, by notice to the Visitor;
 - (b) the case of the Vice-Chancellor by notice to the Council which shall immediately notify the Minister.
 - (2) A person who has ceased to hold an office so mentioned otherwise than by removal for misconduct shall be eligible for re-appointment to that office (*Hon. Fulata Abubakar Hassan — Birninwa/Guri/Kiri-Kasama Federal Constituency*).

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

SECOND SCHEDULE

Section 10 (2)

TRANSITIONAL PROVISIONS AS TO PROPERTY, FUNCTIONS, ETC.

Transfer of Property to the University

1. Without prejudice to the generality of section 10 (1) of this Bill :
 - (a) the reference in the subsection to property held by the Provisional Council and the University shall include a reference to the right to receive and give a good discharge for any grants or contributions which may have been voted or promised to the provisional Council and the University; and
 - (b) all outstanding debts and liabilities of the Provisional Council shall become debts and liabilities of the University established by this Bill.
2.
 - (1) All agreements, contracts, deeds and other instruments to which the Provisional Council was a party shall, so far as possible and subject to any necessary modifications, have effect as if the University established by this Bill had been a party to it in place of the Provisional Council.
 - (2) Documents not falling within sub-paragraph (1) above, including enactments, which refer whether specially or generally to the Provisional Council shall be construed in accordance with that subparagraph so far as applicable.
 - (3) Any legal proceedings or application to any authority pending by or against the Provisional Council may be continued by or against the University established by this Bill.

Registration of Transfers

3.
 - (1) If the law in force at the place where any property transferred by this Bill is situated provides for the registration of transfers of property of the kind in question (whether by reference to an instrument of transfer or otherwise), the law shall, so far as it provides for alterations of a register (but not for avoidance of transfers, the payment of fees of any other matter) apply, with the necessary modifications to the transfer of the property in question.
 - (2) It shall be the duty of the body to which any property is transferred by this Bill to furnish the necessary particulars of the transfer to the proper officer of the registration authority, and of that officer to register the transfer accordingly.
4.
 - (1) The first meeting of the Council shall be convened by the Pro-Chancellor on such date and in such manner as he may determine.
 - (2) The persons who were members of the Provisional Council shall be deemed to constitute the Council until the date when the Council set up under the Third Schedule to this Bill must have been duly constituted.
 - (3) The first meetings of the Senate as constituted by this Bill shall be convened by the Vice-Chancellor on such date and in such manner as he may determine.
 - (4) The persons who were members of the Senate immediately before the coming into force of this Bill shall be deemed to constitute the Senate of the University until the

date when the Senate as set up under the Third Schedule of this Bill must have been duly constituted.

- (5) Subject to any regulations which may be made by the Senate after the date on which this Bill is made, the faculties, faculty boards and students of the University immediately before the coming into force of this Bill shall on that day become faculties, faculty boards and students of the University as established by this Bill.
 - (6) Persons who were deans or associate deans of faculties or members of faculty boards shall continue to be deans or associate deans or become members of the corresponding faculty boards, until new appointment are made in pursuance of the Statutes under this Bill.
5. Any person who was a member of the staff of the University as established or was otherwise employed by the provisional Council shall be employed at the University on such designation, status and functions which correspond as nearly as possible to those which pertained to him as a member of that staff or as such an employee.
 6. Questions as to the scope of the responsibilities of the aforesaid officers shall be determined by the Vice-Chancellor (*Hon. Fulata Abubakar Hassan — Birninwa/Guri/Kiri-Kasam Federal Constituency*).

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

THIRD SCHEDULE

Section 11 (3)

FEDERAL UNIVERSITY, GASHUA STATUTE NO. 1

Articles:

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

The Council

1. (1) Any member of Council holding office pursuant to section 6 (e) (f) (g) or (h) of this Bill may, by notice to the Council resign his office.
- (2) A member of Council holding office pursuant to section 6 (e) (f) (g) or (h) of this Bill shall, unless he previously vacates it, vacate that office on the expiration of a period of four years starting from 1st August in the year in which he was appointed.
- (3) Where a member of Council holding office pursuant to section 6 (e) (f) (g) or (h) of this Bill vacates office before the expiration of his tenure, the body that appointed him may appoint a successor to hold office for the residue of his unexpired term.

- (4) A person who ceases to hold office as a member of Council otherwise than by removal for misconduct shall be eligible for reappointment for only one further term of four years.
- (5) The quorum of the Council shall be five, at least one of whom shall be a member pursuant to section 6 (d) and (e) of this Bill.
- (6) If the Pro-Chancellor is not present at a meeting of the Council, the members present at the meeting may appoint one of them to be the Chairman at that meeting, and subject to section 5 of this Bill and the provisions of this paragraph the Council may regulate its own procedure.
- (7) Where the Council desires to obtain advice with respect to any particular matter, it may co-opt not more than two persons for that purpose; and the persons co-opted may take part in the deliberations of the Council at any meeting but shall not be entitled to vote.
- (8) The Council constituted by this Bill shall have a four year tenure from the date of its inauguration, provided that where a Council is found to be incompetent and corrupt, it shall be dissolved by the Visitor and a new Council shall be immediately constituted for the effective functioning of the University.
- (9) The powers of the Council shall be exercised in accordance with the laws and Statutes of the University, and to that extent, establishment circulars that are inconsistent with the laws and Statutes of the University shall not apply to the University.

The Finance and General Purpose Committee

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

The Senate

3. (1) There shall be a Senate for the University consisting of:
 - (a) the Vice-Chancellor;
 - (b) the Deputy Vice-Chancellor;

- (c) all Professors of the University;
 - (d) all Deans, Provosts and Directors of Academic Units of the University;
 - (e) all Heads of Academic Departments, Units and Research Institutes of the University; and
 - (f) the University Librarian.
- (2) The Vice-Chancellor shall be the Chairman at all meetings of the Senate when he is present and in his absence, one of the Deputy Vice-Chancellors appointed by him shall be the Chairman at the meeting.
 - (3) The quorum of the Senate shall be one-quarter (or the nearest whole number less than one quarter), and subject to paragraph (2) above the Senate may regulate its own procedure.
 - (4) If so requested in writing by any ten members of the Senate, the Vice-Chancellor or in his absence a person duly appointed by him, shall convene a meeting of the Senate to be held not later than the tenth day following that on which the request was received.

Congregation

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

- (5) Subject to the provisions of this schedule, congregation may regulate its own procedure.
- (6) Congregation shall be entitled to express by resolution or otherwise its opinion on all matters affecting the interest and welfare of the University and shall have such other functions in addition to the function of electing a member of the Council, as may be provided by Statute or Regulations.

Convocation

5. (1) Convocation shall consist of :
- (a) the Officers of the University mentioned in Schedule 1 to this Bill;
 - (b) all teachers within the meaning of this Bill; and
 - (c) all other persons whose names are registered in accordance with paragraph (2) below.
- (2) A person shall be entitled to have his name registered as a member of convocation if he:
- (a) is either a graduate of the University or a person satisfying such requirements as may be prescribed for the purposes of this paragraph; and
 - (b) applies for the registration of his name in the prescribed manner and pays the prescribed fee.
- (3) Regulations shall provide for the establishment and maintenance of a register for the purpose of this paragraph and, subject to paragraph (3) below, may provide for the payment from time to time of further fees by persons whose names are on the register and for the removal from the register of the name of any person who fails to pay those fees.
- (4) The person responsible for maintaining the register shall, without the payment of any fees, ensure that the names of all persons who are for the time being members of convocation by virtue of paragraph (1) (a) or (b) of this paragraph are entered and retained on the register.
- (5) A person who reasonably claims that he is entitled to have his name on the register shall be entitled on demand to inspect the register, or a copy of the register at the principal offices of the University at all reasonable times.
- (6) The register shall, unless the contrary is proved, be sufficient evidence that any person named therein is, and that any person not named therein is not, a member of convocation; but for the purpose of ascertaining whether a particular person was such a member on a particular date, any entries in and deletions from the register made on or after that date shall be disregarded.
- (7) The quorum of convocation shall be fifty or one-third (or the whole number nearest to one-third) of the total number of members of Convocation whichever is less.
- (8) Subject to section 5 of this Bill, the Chancellor shall be Chairman at all meetings of convocation when he is present, and in his absence the Vice Chancellor shall be the Chairman at the meeting.

- (9) Convocation shall have such functions, in addition to the function of appointing a member of the Council, as may be provided by statute.

Organisation of Faculties and Branches thereof

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

The Dean of the Faculty

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

Degrees of the University at examinations held in the branches of learning for which responsibility is allocated to that faculty.

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

Selection of Certain Principal and other key Officers

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

Creation of Academic Post

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

Appointment of Academic Staff

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

Appointment of Administrative and Technical Staff

12. (1) The Administrative and Technical Staff of the University, other than those mentioned in paragraph 9 of this schedule shall be appointed by the Council on its behalf by the Vice-Chancellor or the Registrar in accordance with any delegation of powers made by the Council in that behalf.

- (2) In the case of Administrative or Technical staff that has close and important contact with the academic staff, there shall be Senate participation in the process of selection. (Hon. Fulata Abubakar Hassan — Birninwa/Guri/Kiri-Kasama Federal Constituency).

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

Explanatory Memorandum:

(This memo does not form part of this Bill)

This Bill seeks to establish the Federal University, Gashua to ensure equity and access to tertiary education in the country. The University is a conventional university with restricted programmes and limited and focused faculties (Hon. Fulata Abubakar Hassan — Birninwa/Guri/Kiri-Kasama Federal Constituency).

Agreed to.

Long Title:

A Bill for an Act to Establish the Federal University, Gashua and to Make Comprehensive Provision for its Due Management and Administration and Other Related Matters (HB. 503) (Hon. Fulata Abubakar Hassan — Birninwa/Guri/Kiri-Kasama Federal Constituency).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report on a Bill for an Act to Establish the Federal University, Gashua and to make Comprehensive Provision for its due Management and Administration; and for Related Matters (HB. 503) and approved Clauses 1 - 27, the Schedules, the Explanatory Memorandum, and the Long Title of the Bill.

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

- (ii) ***A Bill for an Act to Repeal the Pharmacists Council of Nigeria, Act, Cap. P17, Laws of the Federation of Nigeria, 2004 and Enact the Pharmacy Council of Nigeria Bill to Regulate the Training and Practice of Pharmacy; and for Related Matters (HB. 334) (Committee of the Whole):***

Motion made and Question proposed, "That the House do consider the Report on a Bill for an Act to Repeal the Pharmacists Council of Nigeria, Act, Cap. P17, Laws of the Federation of Nigeria, 2004 and Enact the Pharmacy Council of Nigeria Bill to Regulate the Training and Practice of Pharmacy; and for Related Matters (HB. 334)" (Hon. Sergius Oseasochie Ogun — Esan North East/Esan South East Federal Constituency).

Agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO REPEAL THE PHARMACISTS COUNCIL OF
NIGERIA ACT, CAP. P17, LAWS OF THE FEDERATION OF NIGERIA, 2004,
AND RE-ENACT THE PHARMACY COUNCIL OF NIGERIA ACT TO
REGULATE THE TRAINING AND PRACTICE OF PHARMACY;
AND FOR RELATED MATTERS (HB. 334)

PART I — ESTABLISHMENT OF THE PHARMACY COUNCIL OF NIGERIA

Clause 1: Establishment of the Pharmacy Council of Nigeria.

- (1) There is established a body known as the Pharmacy Council of Nigeria (in this Bill referred to as "the Council").
- (2) The Council —
 - (a) shall be a body corporate with perpetual succession and a common seal;
 - (b) may sue or be sued in its corporate name, and
 - (c) may acquire, hold or dispose of any property, movable or immovable, subject to the provisions of the Land Use Act, for the purpose of carrying out any of its functions under this Bill (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

Clause 2: Composition of the Council.

- (1) The Council shall consist of —
 - (a) Chairman, who shall be a pharmacist with not less than twenty-five years post registration experience;
 - (b) the Head of Food and Drug Services Department of the Federal Ministry of Health or his representative, who shall be a registered Pharmacist;
 - (c) the President of the Pharmaceutical Society of Nigeria;
 - (d) one Director responsible for Pharmaceutical Services from each of the geopolitical zones chosen in rotation among the States in the respective zones;
 - (e) six members of the Committee of Deans who shall be registered pharmacists chosen in rotation from approved Faculties of Pharmacy in Nigerian Universities;
 - (f) the head of Pharmaceutical Services of the Armed Forces of Nigeria;
 - (g) the Director-General of the National Institute of Pharmaceutical Research and Development or his representative; who shall be a Pharmacist;

- (h) six members who shall not be of less than 10 years post qualification experience to represent the geopolitical zones of the Federation, on the recommendation of the Pharmaceutical Society of Nigeria through the Minister;
 - (i) three members who shall be a registered Pharmacy Technician in good standing with the Council with not less than ten years post-registration experience;
 - (j) the Registrar of the Council who shall be a member and the Secretary to the Council; and
 - (k) the Director-General of National Agency for Food and Drug Administration and Control (NAFDAC) or its representative who shall be a registered pharmacists.
- (2) The Chairman and members of the Council shall be paid such emoluments, allowances and benefits as the President may, from time to time, direct in line with the recommendations of the Revenue Mobilization, Allocation and Fiscal Commission (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

Clause 3: Appointment and tenure of members of the Council.

- (1) The Chairman and other members of the Council other than the Registrar, shall —
 - (a) be appointed by the President on the recommendation of the Minister;
 - (b) hold office on part time basis for a term of four years; and
 - (c) be eligible for reappointment on satisfactory performance for a further term of four years and no more;
- (2) The office of the Chairman or a member of the Council shall become vacant where —
 - (a) his term of office expires;
 - (b) he resigns his appointment as a member of the Council by a notice in writing under his hand addressed to the President; or
 - (c) he dies.
- (3) The President may on the recommendation of the Minister remove the Chairman or a member of the Council on any of the following grounds —
 - (a) he has been absent from the Council meetings for four consecutive times without the permission of the Council;
 - (b) he is incapable of carrying out his duties due to mental or physical infirmity;
 - (c) he has been declared bankrupt or he makes compromise with his creditors;

- (d) he has been convicted of a felony or any offence involving fraud or dishonesty;
 - (e) he is guilty of gross misconduct relating to his duties;
 - (f) the President is satisfied that it is not in the interest of the Council or of the public for the person to continue in office; or
 - (g) in the case of an *ex-officio* member, he ceases to hold the office on the basis of which he became a member of the Council.
- (4) Where any member of the Council ceases to hold office before the date when his term of office would have expired by the effluxion of time, the body or person by whom he was appointed shall as soon as possible appoint a person to fill the vacancy for the residue of the term aforesaid.
- (5) The provisions of the First Schedule to this Bill shall have effect with respect to the proceedings of the Council and other matters mentioned in it (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

Clause 4: Functions and powers of the Council.

- (1) The Council shall in the public interest —
- (a) administer the provisions of this Bill;
 - (b) regulate the standard of Pharmacy practice and business in Nigeria;
 - (c) determine the standard of knowledge and skills to be attained by persons seeking to become registered members of the pharmacy profession and review such standards, from time to time;
 - (d) determine and set standards for the degree courses in Faculties of Pharmacy in Nigerian Universities;
 - (e) establish requirements and standards for registration of intern Pharmacists for internship and any other experiential training to enable a person obtain practical experience in the practice of pharmacy;
 - (f) establish requirements for the grant of licence to intern Pharmacists to undergo internship training and engage in the practice of Pharmacy in an approved institution under the direct supervision of registered pharmacists;
 - (g) establish and maintain a register of persons entitled to practice as members of the pharmacy profession and publish the list of members from time to time;
 - (h) inspect, approve, licence and regulate the registration and practice or operations in all pharmaceutical premises where drugs, medicines and poisons are manufactured, imported, exported, distributed, stored, dispensed or sold in Nigeria, based on good pharmaceutical practice standards (GPP).

- (i) establish and maintain a register of premises used for the manufacture, storage, importation, exportation, distribution, sale and dispensing of drugs, poisons, medicines, and medical devices and accessories;
- (j) regulate, formulate, publish and review from time to time, the Code of Conduct, Ethics and Practice of the pharmacy Profession and code of conduct for pharmacy technicians, patent medicine vendors and pharmaceutical marketers;
- (k) determine and set standards for the training of Pharmacy technicians in Schools and Colleges of health technology approved by Council;
- (l) determine the standards of knowledge and skills to be attained by persons seeking to become pharmacy technicians and patent medicine vendors, and review such standards, from time to time;
- (m) establish requirements for continuing education and development for pharmacists, pharmacy technicians, patent medicine vendors and other cadres in practice in institutions and centres recognized by it, including the determination of acceptable continuing educational and developmental courses;
- (n) register, licence, regulate and control the practice of Pharmacists, pharmacy technicians or such other cadres as may be recognized by the Council in Nigeria;
- (o) register, licence, regulate and control the activities of Patent and Proprietary Medicines Vendors and satellite medicine facilities, pharmacies, pharmaceutical manufacturing, importation, exportation, storage distribution of pharmaceutical products and veterinary products in Nigeria;
- (p) regulate and control the practice of pharmaceutical marketing and representations;
- (q) regulate and control pharmacy practice in all its aspects and ramifications; and
- (r) do such other things that are necessary to ensure the efficient discharge of the functions conferred on the Council under this Bill
(Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency).

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

PART II — REGISTRAR AND OTHER STAFF OF THE COUNCIL

Clause 5: Appointment, functions and tenure of the Registrar of the Council.

- (1) There shall be a Registrar appointed by the Council who shall be a registered Pharmacist of not less than 20 years post-registration experience.
- (2) The Registrar shall be —
 - (a) the chief executive and accounting officer of the Council;

- (b) member and secretary to the Council and the secretary to the Disciplinary Tribunal;
 - (c) responsible for the execution of policies, decisions and directives of the Council and the day-to-day administration of the Council;
 - (d) responsible for keeping and maintaining the registers under this Bill; and
 - (e) subject to the supervision and control of the Council.
- (3) The Registrar shall hold office —
- (a) for a term of four years from the date of his appointment and shall be eligible for re-appointment for another term of 4 years and no more; and
 - (b) on such other terms and conditions as may be specified in his letter of appointment.
- (4) The office of the Registrar shall become vacant where —
- (a) his term of office expires;
 - (b) he resigns his appointment as Registrar by a notice in writing under his hand addressed to the Council;
 - (c) he is incapable of carrying out his duties due to mental or physical infirmity;
 - (d) he has been declared bankrupt or he makes compromise with his creditors;
 - (e) he has been convicted of a felony or any offence involving fraud or dishonesty;
 - (f) he is guilty of gross misconduct relating to his duties;
 - (g) he dies; or
 - (h) the Council is satisfied that it is not in the interest of the Council or of the public for the person to continue in office (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

Clause 6: Other staff of the Council.

- (1) The Council shall appoint directly or on secondment from other Government Ministries, Departments and Agencies such number and category of employees as it may require in the effective discharge of its duties and functions under this Bill.
- (2) The Council shall have power to appoint, promote and discipline staff of the Council.

- (3) The Council shall make rules and regulations in line with Public Service Rules relating to the conditions of service of employees of the Council, including rules providing for the appointment, promotion, advancement, determination of appointment and discipline of the employees.
- (4) The members of staff of the Council shall be public officers as defined in the Constitution of the Federal Republic of Nigeria, 1999 (as amended).
- (5) Service in the Council shall be pensionable service under the Pension Reform Act provided that nothing in this section shall exclude the Council from employing staff on non-pensionable terms and conditions (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

Clause 7: Zonal and state offices.

The Council shall have the power to establish Zonal and State Offices to enhance its operations and the performance of its functions under this Bill (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

Clause 8: The Council may cooperate with relevant organizations and authorities involved in public health-related issues in the performance of its functions under this Bill (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

PART III — FINANCIAL PROVISIONS

Clause 9: Fund of the Council.

- (1) There is established for the Council, a fund which shall consist of —
 - (a) budgetary and extra budgetary allocations received from the Government of the Federation, grants and annual subventions;
 - (b) all monies held immediately before the commencement of this Bill by the Pharmacists Council of Nigeria;
 - (c) gifts, loans, endowment, grants-in-aids, testamentary disposition, bequest or other voluntary contributions where the terms and conditions attached are not inconsistent with the functions of the Council;
 - (d) all foreign aids and monetary assistance received by the Council under any agreement or arrangement with any international body or organization with the approval of the Government of the Federation;
 - (e) fees, charges for publications and services rendered by the Council; and
 - (f) such other monies as may be received by the Council from investments and other sources
- (2) The Council may apply the fund established under subsection (1) of this section —

- (a) to pay the costs of administration, charges and expenses of the Council;
- (b) to discharge the cost of maintaining the Head Office and other offices of the Council;
- (c) for the development and maintenance of any property vested in or owned by the Council;
- (d) for the payment of the allowances and other benefits of members of the Council or any committee set up by it;
- (e) for payment of emoluments, allowances, benefits and other entitlements of the Registrar and other staff of the Council;
- (f) for payment for all purchases made by the Council and the training of members of its staff;
- (g) for provision of scholarships, bursaries and awards for specialized training of members of staff of the Council;
- (h) for payment to publicize and promote the activities of the Council;
- (i) for payment to various stakeholders involved in regulatory activities of the Council;
- (j) for payments for the support of national and international scientific and professional organizations;
- (k) for maintaining general financial reserves subject to general or specific directives that may be given by the President;
- (l) for payments of annual and other subscriptions and contributions to national and international scientific and professional organizations;
- (m) for the payment of all consultancies, legal fees and costs of contracts awarded by the Council; and
- (n) for any other expenditure as may be approved by the Council, from time to time, in connection with all or any of its functions and powers under this Bill (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

Clause 10: Investment of the fund of the Council.

- (1) The Council may invest any or all monies in its fund, not immediately required for its current expenditure in —
 - (a) any securities created or issued by or on behalf of the Federal Government, as may be approved by the Council, from time to time;
 - (b) the purchase or improvement of any land in any part of the Federation; or
 - (c) any venture in Nigeria as may be approved by Minister, including investment in stocks quoted at the Nigerian Stock Exchange.

- (2) In the exercise of its powers of investment under subsection (1) of this section, the Council may from time to time vary any such investments and may deposit any monies for the time being un-invested with any bank approved by the Council in line with Government Regulations (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

Clause 11: Power to borrow.

The Council may with the approval of the President and in line with applicable law, policies and regulations, borrow such sums by way of loan, overdraft or from any other source, as may be required for the performance of its functions and meeting its obligations under this Bill; and any interest payable on monies so borrowed shall be paid out of the fund of the Council (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

Clause 12: Power to accept gifts.

- (1) The Council may accept gifts of land, money or other property on such terms and conditions, if any, as may be specified by the persons or organization making the gift.
- (2) The Council shall not accept any gift if the conditions attached by the persons or organization offering the gift are inconsistent with the functions of the Council under this Bill (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

Clause 13: Annual estimates.

- (1) The Council shall, not later than 30th September of each financial year, prepare and submit to the Minister for onward transmission to the National Assembly, an estimate of its income and expenditure for the next succeeding year.
- (2) Notwithstanding the provisions of subsection (1) of this section, the Council may, where necessary due to unforeseen circumstances, submit supplementary or adjusted statements of estimated income and expenditure to the Minister for onward transmission to the National Assembly for approval (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

Clause 14: Accounts, records and audit.

- (1) The Council shall keep proper and regular accounts and other records of monies received and paid by the Council and for other purposes for which monies have been received or paid, and of its assets, credits and liabilities in respect of each year and shall cause its accounts to be audited on or before 31st March of the following year to which the accounts relate, by a firm of auditors appointed from the approved list of auditors, and in accordance with guidelines, supplied by the Auditor-General for the Federation.
- (2) The Council shall do all things necessary to ensure that all payments of its funds and bank accounts are correctly made and properly authorized and that adequate control is maintained over its assets.

- (3) As soon as the accounts and the financial statements of the Council have been audited in accordance with the requirement of this Bill, the Council shall forward a copy of the audited financial statements to the Minister together with any report or observations made by the auditors and the Auditor-General for the Federation on the statement of accounts.
- (4) The remuneration of the auditor shall be paid out of the fund of the Council. (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

Clause 15: Annual reports.

The Council shall, not later than 30th June of each year, prepare and submit to the Minister and the Auditor - General of the Federation, a report on the activities and administration of the Council during the preceding year and shall include in the report a copy of the audited accounts of the Council for the year and the auditor's report thereon (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

PART IV — REGISTERS OF PHARMACISTS, PHARMACY TECHNICIANS, PREMISES, SATELLITE MEDICINE FACILITIES AND PATENT MEDICINES SHOPS

Clause 16: Keeping and maintaining registers.

- (1) The Registrar shall in accordance with Rules made by the Council, keep and maintain —
 - (a) a register of Pharmacists, where the names, addresses, qualifications and such other particulars of all persons who are entitled to be enrolled as provisional members or members of the profession who apply to the Council to be so registered shall be entered;
 - (b) the register of Pharmacy Technicians where the names, addresses, qualifications and such other particulars of all persons who are entitled to be enrolled as Pharmacy Technicians who apply to the Council to be so registered shall be entered;
 - (c) the registers of premises used by Pharmacists, Pharmacy Technicians and Patent Medicine vendors, or any other person licensed by the Council for the manufacture, production, exportation, importation, stocking for research or any other purposes, storage, distribution, sale or dispensing of drugs and medicines, medical devices and accessories and the provision of other pharmaceutical products shall be entered; and
 - (d) any other register that the Council may require to be kept from time to time.
- (2) The register of Pharmacists provided for under subsection (1) of this section shall consist of two parts as follows —
 - (a) provisional members; and
 - (b) members.

- (3) The register of the Pharmacy Technicians provided for under subsection (1) of this section shall consist of —
- (a) the names of Pharmacy Technicians;
 - (b) matters relating to Pharmacy Technicians; and
 - (c) particulars of the location where medicines are sold or distributed by Pharmacy Technician or satellite medicine facility.
- (4) A register of premises referred to under subsection (1) of this section shall contain —
- (a) the names and addresses of premises to which the entries relate and to which members carry on pharmacy business;
 - (b) the type of pharmaceutical practice being carried on at the premises;
 - (c) the name of the Pharmacist or person, company, firm or body lawfully carrying on the business;
 - (d) the name of the approved vendor of medicines and location where the medicines are being sold; and
 - (e) such other matters relating to the premises as may be specified by the Council (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

Clause 17: Rules for keeping and maintaining registers.

- (1) Subject to the provisions of this Bill, the Council shall make rules with respect to the forms, contents, parts and procedures for keeping and making of entries in any of the registers provided under this Part.
- (2) The rules made pursuant to subsection (1) of this section shall in particular make provision for —
- (a) regulating the making and processing of applications for enrolment of provisional members or members and the registration of premises under this section;
 - (b) providing for the notification to the Registrar of any change in the particulars by the person to whom any registered particulars relate or by the person carrying on a pharmacy practice at any registered premises;
 - (c) providing for the procedure for the acceptance and registration of additional qualification to the earlier qualification held by him which is in relation to the profession;
 - (d) specifying the fees, including any annual subscription, to be paid to the Council in respect of —
 - (i) entry of names in the register of Pharmacists, or in respect of the registration of premises in the register of premises, and

- (ii) entry of names in the register of Pharmacy Technicians or in respect of the registration of Satellite Medicine Facilities or Patent Medicines Vendors in respect of registration of shops;
 - (e) authorizing the Registrar to refuse to enter a name or premises in a register until any fees specified for the entry has been paid or until the premises comply with the requirements of this Bill or of rules made on that behalf which are for the time being in force; and
 - (f) specifying any other thing not mentioned under the foregoing provisions which the Council considers necessary or expedient.
- (3) A document signed by the Registrar stating that, on a specified date, specified persons or premises were or were not registered under this Bill shall be admissible in a proceeding as evidence of such registration or non-registration (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

Clause 18: Correction of entries in the registers.
It shall be the duty of the Registrar, to —

- (a) correct any entry in the registers of Pharmacists, premises, Pharmacy technicians, satellite medicines facilities and patent medicines shops in accordance with the Council's directions or order of court;
- (b) make or update, from time to time, any necessary alteration in the registers of Pharmacists, Pharmacy Technicians, satellite medicines facilities, licensed patent medicines shops and the registers of premises as may be necessary or expedient;
- (c) remove from the registers of Pharmacists, pharmacy technicians, satellite medicines facilities and patent medicines shops or the registers of premises the name of any registered person who is dead or premises which has ceased to be used for the purpose for which it was registered; and
- (d) remove from the register of premises any premises that its registration has become void under the provisions of this Bill (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

Clause 19: Removal of names from the registers.

- (1) Where the Registrar —
 - (a) sends by registered post, e-mail or other recognized means of communication to any person, a letter addressed to him at the address on the register of Pharmacist, Pharmacy Technician, satellite medicines facilities and Medicines Vendor, enquiring whether the registered particulars relating to him or to the premises at which he carries on pharmacy practice are correct and the Registrar receives no reply to the letter within a period of six months from the date of posting or sending it;

- (b) considers it necessary upon the expiration of that period of six months, sends in the like manner to the person in question, a second similar letter and receives no reply within three months from the date of posting or sending it; and
 - (c) the Registrar may remove the name and particulars of that person or any registered premises where that person carries on a pharmacy practice from the register of Pharmacists, Pharmacy technicians, satellite medicines facilities and Patent Medicines Vendors or the registers of premises or both.
- (2) The Council may direct the Registrar to restore to the appropriate register any name, premises or particulars removed from the register under subsection (1) of this section (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

Clause 20: Publication of list of Pharmacists, pharmacy technicians, premises, satellite medicines facilities and patent medicines shops, etc.

The Registrar shall cause —

- (a) the list of licensed Pharmacists, Pharmacy Technicians, Satellite Medicines Facilities, Patent Medicines Vendors and licensed premises to be printed, published and gazette not later than two years from the commencement of this Bill;
- (b) to be updated, printed and published, each of the lists referred to under paragraph (a) of this section, in each subsequent year;
- (c) a print of each edition of the list of licensed Pharmacists, Pharmacy Technicians, satellite medicines facilities and Vendors and the lists of premises and of each document or corrections thereto to be deposited at the principal office of the Council; and
- (d) to be kept, the documents so deposited in line with the provisions of paragraph (c) of this section, open to members of the public at all reasonable times for inspection (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

Clause 21: Print of an edition of a register as admissible evidence.

- (1) A document purporting to be a print of an edition of any list published under section 20 of this Bill by authority of the Registrar, or documents purporting to be prints of an edition of such list, and of the lists of corrections to that edition so published in the current year and of lists of corrections to that edition so published, shall (without prejudice to any other mode of proof) be admissible in any proceedings as evidence showing that —
 - (a) any other person or premises specified in the document, or
 - (b) the documents read together, as being licensed;
 - (c) was so licensed at that date of the edition or of the list of corrections of licensed persons or premises, as the case may be, and that any person or premises not so specified was not so licensed at that date.

- (2) Where in accordance with subsection (1) of this section, the name of any person or any premises, as the case may be, is in any proceedings shown to have been or not to have been licensed in the register of pharmacists or the register of premises at a particular date, the person or the premises, as the case may be, shall unless the contrary is proved, be taken for the purposes of those proceedings as having at all material times thereafter continued to be, or not to be so licensed (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

PART V — INSPECTION AND REGISTRATION OF PREMISES

Clause 22: Inspection and Registration of premises.

- (1) Any place used for the purpose of dispensing, selling, compounding, distribution, storage, stocking, retailing, wholesale, manufacturing, importation, exportation of drugs and poisons, scientific offices or any other form of pharmaceutical activities shall be inspected and registered in accordance with the provisions of this Bill and in case of manufacturing facility such (GMP) activities conducted by the National Agency for Food and Drug Administration and Control (NAFDAC) are not included.
- (2) Where an application is made under subsection (1) of this section and it appears to the Registrar that the premises to which the application relates do not comply with the requirements of this Bill, the Registrar may refuse to register the premises and state the reasons for such refusal in writing.
- (3) The applicant may within thirty days after the service of notice of refusal by the Registrar under subsection (2) of this section, give notice to the Registrar of his desire to be heard or make representation in writing to the Registrar with respect to the notice of refusal.
- (4) The Registrar before making any determination under subsection (3) of this section shall —
- (a) where the applicant has given notice of his desire to be heard; afford the applicant an opportunity of appearing before and being heard by a person appointed by the Registrar for the purpose; or
- (b) where the applicant has made representations in writing; consider the representations of the applicant in determining whether the premises is suitable for registration or otherwise.
- (5) Where a determination is made pursuant to subsection (4) of this section that the premises is —
- (a) suitable for registration, the Registrar shall cause the details of the premises to be entered into the register subject to the provisions of section 23 of this Bill; or
- (b) unsuitable for registration, the Registrar shall not enter the premises in the register; and shall notify the applicant of his decision accordingly.

- (6) Where the applicant is dissatisfied with the decision under paragraph (b) of subsection (5) of this section, he may within fourteen days after being notified of the decision make application in writing to the Council stating the grounds of his dissatisfaction and the reliefs sought.
- (7) The Council shall consider and determine the application made pursuant to the provisions of subsection (5) of this section within three months of the receipt of the application or such extended period as it may deem necessary in any particular case.
- (8) Where the Council pursuant to subsection (6) of this section, determines that the premises is —
 - (a) suitable for registration, the Registrar shall enter the premises in the register, subject to the provisions of section 23 of this Bill; or
 - (b) unsuitable for registration, the Registrar shall not enter the premises in the register; and shall notify the applicant of the decision accordingly, in writing.
- (9)
 - (1) Where the Registrar is of the view that a licence should be suspended, revoked, withdrawn, canceled or restored the holder of such licence shall, by notice, be required to give reasons within 14 days of receipt of such notice why the licence should not be suspended, revoked, withdrawn or cancelled.
 - (2) If the Registrar is satisfied by the reasons so given, such licence shall not be suspended, revoked, withdrawn or cancelled.
 - (3) If the reason given is not satisfactory, the Registrar shall notify his decision to suspend, revoke, withdraw or cancel same to the holder thereof and in such case, the holder of the licence shall within 14 days appeal to the Council.
- (10) An application shall be made to the registrar for his approval for change, variation or modification in a licence in respect of superintendent Pharmacist, structure of premises, location of premises scope and areas of practice or any other change or variation that may affect the licence (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

Clause 23: Payment of fees in respect of registration and retention of premises.

- (1) The Council shall prescribe the fees for the registration and retention of premises.
- (2) The Council may vary the prescribed fees provided for under subsection (1) of this section.
- (3) A person shall not operate a premises where drugs, poisons, medicines and medical devices and medical accessories are sold, dispensed, distributed, manufactured, stored, imported or exported unless he has paid the prescribed fees and is duly licensed by the Council (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

Clause 24: Payment of retention fees.

- (1) Where any premises has been entered in the register of premises, a retention fee of an amount prescribed by the Council in respect of the type of pharmacy practice being carried on at the premises, shall be payable to the Council every subsequent year by the person carrying on the pharmacy practice in the premises.
- (2) A retention fee shall become due on the first day of January of each year.
- (3) Where the person carrying on pharmacy practice at any premises entered in the register of premises fails to pay the retention fee in respect of any year by 31st day of March, the Council may close the premises and remove the name from the register of premises.
- (4) Where the person in default of payment of retention fees under subsection (2) of this section, pays before the end of the year in default, together with additional sum, the Registrar shall restore the name of the premises to the register and the restoration shall be deemed to have had effect as from the date on which the premises were removed from the register of premises (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

Clause 25: Records of annual subscription defaulters.

The Registrar shall keep record of the names of registered persons who are in default of the payment of the annual subscription for a period of more than six months and take such actions including the removal of the names of the defaulters from the appropriate register as the Council may direct or require (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

Clause 26: Application for retention of name of all premises.

- (1) Every person who carries on practice of Pharmacy whether on line or on sight shall, in the month of January in each year deliver to the Registrar, an application for renewal or retention of name of the premises at which his practice is located or where he carries on his practice for a prescribed fee.
- (2) An application for renewal or retention of premises under subsection (1) of this section shall state the name of the Superintendent Pharmacist under whose control the practice is being carried on (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

Clause 27: Operating a retail, community pharmacy or pharmaceutical company.

- (1) A person shall not own or operate a retail or community pharmacy practice unless such a person is registered as a Pharmacist under this Bill.
- (2) The Council may approve satellite pharmacy owned by licensed pharmacists who have a minimum of 10 years post-registration experience provided that such satellite pharmacy is affiliated to a registered pharmaceutical premises for the purpose of regulation and control.

- (3) A company owned by Nigerians or foreign company shall not own or operate a chain retail or community pharmacy unless such a company has Nigerian pharmacist or pharmacists on Board of Directors who shall alone or jointly own not less than 40% shares of the company.
- (4) A corporate body shall not operate a pharmaceutical company for the purpose of manufacture, importation, exportation, storage, distribution or wholesale business without having as a member of the Board of Directors, at least a registered Pharmacist who shall be a shareholder of the company.
- (5) A person or corporate body shall not own or operate a private pharmacy in a public health facility.
- (6) Any pharmacist who makes a false statement under subsection (3) above commits an offence and is liable on conviction to a fine equivalent to the value of the shares he claimed to own or a term of imprisonment for 2 years or both (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

Clause 28: Failure to renew premises licence by the 31st day of March.

- (1) Any licensee that fails to renew its licence by the 31st day of January in each year shall in addition to the prescribed fee, pay a fine equivalent to fifty percent of the applicable fee.
- (2) Any premises which fail to renew its licence by the 31st day of March in each year shall be considered to be operating in violation of the provisions of this Bill and shall be liable to closure by the Council (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

Clause 29: Requirement for Superintendent Pharmacists.

- (1) Every pharmaceutical premises shall be under the direct supervision of a Superintendent Pharmacist.
- (2) Where a premises is operated without a Superintendent Pharmacist for a continuous period of thirty days, the registration of the premises licence shall lapse at the expiration of that thirty days.
- (3) Every pharmacy whether in public or private hospital shall be under the supervision and control of a superintendent pharmacist (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

Clause 30: Notification of change in company's profile.

- (1) A body corporate shall notify the Council of any change in its company's profile, profile of Pharmacist Director, ownership, type of business being done on the premises and name of the company not later than sixty days of its occurrence.
- (2) A body corporate shall conspicuously display the original of the Superintendent Pharmacist's annual licence and certificate of registration of the premises (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

Clause 31: Appointment of Pharmaceutical Inspection Officer.

- (1) The Council shall appoint licensed pharmacists as Pharmaceutical Inspection officers.
- (2) A person appointed by the Council as Pharmaceutical Inspection officer may for the purposes of section 32 of this Bill enter at any reasonable time —
 - (a) any premises where pharmaceutical activities are carried on; or
 - (b) any premises on or in relation to which he has reasonable cause to believe that an offence with respect to this Bill has been committed (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

Clause 32: Powers of Pharmaceutical Inspection Officer.

- (1) A pharmaceutical inspection officer may —
 - (a) require the Superintendent Pharmacist on the premises to furnish him with any information in his or her possession concerning the pharmaceutical activities being carried on in the premises;
 - (b) inspect and seal premises where drugs are sold or dispensed, in violation of any provisions of the Bill;
- (2) A Pharmaceutical inspection officer appointed by the Council in the course of his duty and on production of his identity card if so requested, may —
 - (a) open and examine while in the premises any container or package which he reasonably believes may contain anything which may help in his investigation;
 - (b) examine any book, computer, document, prescription, register of poison or dangerous drugs or other records, electronic or printed found on the premises which the pharmaceutical inspection officer reasonably believes may contain any information relevant to the enforcement of the Bill and make copies thereof or extracts from it.
- (3) A pharmaceutical inspection officer who uses to his advantage or discloses to a third party any information obtained in the course of his duties under this Bill other than for investigative and prosecutorial purposes, commits an offence.
- (4) Any person who willfully delays, cause to be delayed or obstruct or cause to be obstructed a pharmaceutical inspection officer in the exercise of any of the powers conferred upon him under this Bill, commits an offence.
- (5) The owner or person in-charge of any premises entered into by a pharmaceutical inspection officer shall render all reasonable assistance within their powers to the pharmaceutical inspection officer and shall make available to him all such information as he may reasonably require for the purpose of the Bill.

- (6) A person operating any pharmaceutical business on any premises has a duty to provide information on the owner when requested by an inspector and to produce to the inspector all books kept in accordance with this Bill (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

Clause 33: Inspection and registration of hospital pharmacies.

- (1) Pharmacies in both public and private hospitals and clinics shall be subject to inspection, registration and annual licensure by the Council.
- (2) There shall be a Superintendent Pharmacist in every public or private hospital, clinic or healthcare institution where drugs are dispensed.
- (3) The Council may grant exemptions on the application of subsections (1) and (2) of this section or prescribe supervisory roles to cover pharmaceutical services in underserved areas, on such terms as the Council may prescribe (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

PART VI — REGISTRATION OF PHARMACISTS

Clause 34: Registration of Pharmacists.

- (1) A person shall not hold any appointment as a Pharmacist or practice as a Pharmacist in Nigeria unless he is registered and licenced with the Council under the provisions of this Bill.
- (2) A registered Pharmacist shall be entitled to practice as a Pharmacist in any part of Nigeria provided he is licenced to practice (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

Clause 35: Registration of provisional member or member.

- (1) A person admitted to membership of the Pharmacy profession in Nigeria under the provisions of this Bill may be registered as —
 - (a) a provisional member; or
 - (b) a member.
- (2) A person shall be entitled to be enrolled as a provisional member where he —
 - (a) has completed a degree course of study in a Faculty of Pharmacy in a recognized University;
 - (b) has submitted a written application in the form prescribed by the Council and has paid the prescribed registration fee;
 - (c) has sworn to the Pharmacist oath;
 - (d) is of good character;

- (e) has not been convicted in the last ten years in Nigeria or elsewhere of any criminal offence involving fraud or dishonesty; and
 - (f) meets any other requirements for registration as a provisional member of the profession as may be prescribed by the Council;
- (3) A person shall be entitled to be registered as a member of the profession if in addition to holding the qualifications and satisfying all the conditions set out in subsection (2) of this section; he —
- (a) has submitted a written application in the form prescribed by the Council and paid the prescribed fee for his registration;
 - (b) has completed the statutory continuous internship training for not less than one year in an institution approved by the Council and has obtained from the approved institution a certificate of experience in that regard;
 - (c) meets any other requirements for registration as a member of the profession as may be prescribed by the Council (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

Clause 36: Registration of Nigerian citizen who qualified outside Nigeria.
A Nigerian citizen who qualified as a Pharmacist in an approved institution outside Nigeria shall be registered as a Pharmacist under this Bill; where he —

- (a) holds a qualification in Pharmacy awarded by an approved or recognized university outside Nigeria which qualification for the time being, is acceptable to the Council for the purposes of this Bill;
- (b) holds a certificate of registration as a Pharmacist, acceptable to the Council;
- (c) has completed in Nigeria the statutory internship course of training and obtained certificate specified in section 35 (3) (b) of this Bill (where applicable);
- (d) has received instructions in Pharmacy for a period specified by the Council in an institution in Nigeria approved by the Council for the purpose, and has passed such examinations as the Council may prescribe, including an examination in Forensic Pharmacy;
- (e) is of good character;
- (f) has not been convicted in the last ten years in Nigeria or elsewhere of any criminal offence involving fraud or dishonesty;
- (g) submits a duly completed application in writing in the prescribed form and paid the prescribed fee for his registration; and
- (h) meets any other requirements for registration as a member of the profession as may be prescribed by the Council (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

Clause 37: Registration of non-Nigerian Pharmacists.

- (1) A person who is not a citizen of Nigeria may be registered as a Pharmacist under this Bill if the country of which he is a citizen grants reciprocal registration facilities to Nigerian citizens and where he —
 - (a) holds a requisite qualification recognized by the Council;
 - (b) has passed the Council's examination in law and ethics governing the practice of Pharmacy in Nigeria and such other examinations as the Council may prescribe;
 - (c) has acquired the requisite experience in accordance with section 34 (3) (b) of this Bill;
 - (d) has been resident in Nigeria for not less than twelve calendar months immediately preceding the date of his application for registration; and
 - (e) meets all other requirements for registration as may be prescribed by the Council.
- (2) An applicant applying for registration under this section shall in addition to evidence of qualification, satisfy the Council that he —
 - (a) is of good character;
 - (b) has not been convicted in the last ten years in Nigeria or elsewhere of any criminal offence involving fraud or dishonesty;
 - (c) submits a duly completed application in writing in the prescribed form; and
 - (d) has paid the prescribed fee for registration (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

Clause 38: Payment of practicing fees.

- (1) No person shall practice as a Pharmacist in any year unless he has paid to the Council the appropriate practicing fees prescribed by the Council which shall be due in January of each year as prescribed by the Council.
- (2) The Council shall disburse or distribute the aggregate amount collected as practicing fees as follows —
 - (a) 70 percent to the Pharmaceutical Society of Nigeria; and
 - (b) 30 percent to the Council.
- (3) A Pharmacist with at least forty years post registration experience or who has attained the age of sixty-five years is exempted from the payment of practicing fees.
- (4) A registered Pharmacist who fails to pay the prescribed practicing fee by 31st day of March of every year shall in addition to the fee, pay a fine of a sum which is equivalent to fifty percent of the applicable fee within the year.

- (5) A registered Pharmacist who has paid his practicing fee in any year as prescribed in subsection (1) of this section or who is exempted from payment of practicing fee under subsection (3) of this section, shall be entitled to a practicing licence for that year authorizing him, subject to any enactment or regulation in force applicable to him to —
- (a) import, export, mix, compound, prepare, dispense, sell, procure and distribute drugs and poisons, herbal medicines, veterinary drugs and health supplements, chemicals and home use Invitro Diagnostics (IVDs);
 - (b) monitor pharmaceutical products;
 - (c) perform other duties related to —
 - (i) Drug Utilization Review (DUR),
 - (ii) Pharmaceutical Care (PC),
 - (iii) Collaborative Drug Therapy Management (CDTM); and
 - (d) any other pharmaceutical activities.
- (6) The Council may from time to time, vary the practicing fees prescribed in subsection (1) of this section provided that any variation of the practicing fee shall not come into force unless confirmed at the Annual General Meeting of the Pharmaceutical Society of Nigeria (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

PART VII — TRAINING AND INTERNSHIP OF PHARMACISTS

Clause 40: Approval of institutions and pharmacy degree courses, etc.

- (1) No Institution shall award any degree in pharmacy unless such Institution and the Course of study are approved by the Council.
- (2) The Council may approve —
 - (a) any course of training intended for persons seeking to become or who are already Pharmacists and which in the opinion of the Council is designed to confer appropriate knowledge and skills; and
 - (b) any qualification with attendant course content which in the opinion of the Council affords the candidate sufficient knowledge and skill to practice as Pharmacist.
- (3) The Council may withdraw any approval given under subsection (1) of this section in respect of any course, qualification or institution provided that before such approval is withdrawn, the Council shall —
 - (a) give notice of such proposed withdrawal to the affected institution;
 - (b) give the institution an opportunity of make representation to the Council in respect of the proposed withdrawal; and

- (c) take into account any representations made to it pursuant to paragraph (b) of this subsection as regards the proposed withdrawal.
- (4) A course, qualification or an institution shall not be treated as approved under this section during any period that the approval is withdrawn by the Council under this section.
- (5) The withdrawal of an approval under subsection (3) of this section shall not prejudice the registration or eligibility for registration of any person who by virtue of the approval was registered or was eligible for registration either unconditionally or subject to obtaining a certificate of experience as an intern Pharmacist immediately before the approval was withdrawn.
- (6) The giving or withdrawal of an approval under this section shall have effect from the date the Council may signify in an instrument and the Council shall —
 - (a) publish such instrument in the Gazette; and
 - (b) before its publication as foresaid, send a copy of the instrument to the Minister (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

Clause 40: Supervision and assessment of institutions, instructions and degree examinations.

- (1) The Council shall, from time to time, assess the nature of instructions given to persons undergoing professional degree course of training in Pharmacy in an approved Institution.
- (2) The council may where necessary constitute external assessors or visitation teams to evaluate degree examinations or course of training in approved Institutions.
- (3) The external assessors or visitation teams shall submit a report to the Council on the approved institution visited and the report may disclose —
 - (a) the adequacy of the instructions given to persons attending the degree course of training in Pharmacy or the facilities for such instructions;
 - (b) the adequacy of the professional Pharmacy degree examinations; and
 - (c) any other matter relating to the institutions and examinations on which the Council may, either generally or in particular direct;
 - (d) provided that external assessors or visitation team shall not in the performance of its functions under this section interfere with the holding of any degree examination.
- (4) The Council may, on the receipt of a report made under this section by a visitation team or external assessors, demand for a clarification from the institution visited where necessary (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

Clause 41: Intern Pharmacists trained in Nigeria.

- (1) A person seeking to undergo training as an intern Pharmacist under this Bill shall —
 - (a) be a graduate and have received a first degree in Pharmacy from a recognized University approved by the Council; and
 - (b) be duly registered as a provisional member.
- (2) An intern Pharmacist shall within six weeks of commencing his training as an intern notify the Council in the prescribed form of the —
 - (a) identity of the institution approved by the Council, where he is undergoing his internship;
 - (b) particulars of the registered Pharmacist approved by the Council to supervise his work; and
 - (c) date when the internship commenced.
- (3) An intern Pharmacist shall as soon as any change in the particulars mentioned in subsection (2) (a) and (b) of this section occurs, notify the Council of the change.
- (4) One year period of internship training shall be calculated from the date of the notification referred to in subsection (2) of this section.
- (5) An Intern Pharmacist, after the one year internship training shall be required to pass a pre-registration examination to qualify for full registration as a pharmacist (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

Clause 42: Approval of institutions for internship placement.

- (1) An Institution or Facility shall not be used for internship placement for the purposes of section 39 of this Bill, unless approved by the Council in writing.
- (2) The Council shall approve an institution for the purpose of subsection (1) of this section where it is satisfied that —
 - (a) the Institution or facility provide a conducive environment to the learning of the practice of Pharmacy by intern Pharmacists; and
 - (b) all intern Pharmacists undergoing the training at the institution at any particular time are exposed to all facets of the practice of Pharmacy available at the institution or facility.
- (3) The Council may make rules or guidelines for Internship placement (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

Question that Clause 42 stands part of the Bill — Agreed to.

Clause 43: Supervision of Intern Pharmacists.

- (1) An intern Pharmacist in an approved institution under section 40 (1) of this Bill shall be under the direct supervision of a licensed Pharmacist who must have practiced for such a period as Council may specify by regulations.
- (2) A Pharmacist serving as a supervisor of an intern Pharmacist shall notify the Council in the prescribed form of the date of commencement of the internship by the intern Pharmacist (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

Question that Clause 43 stands part of the Bill — Agreed to.

PART VIII — TRAINING AND REGISTRATION OF PHARMACY TECHNICIANS**Clause 44: Training and registration of pharmacy Technician.**

- (1) No Institution shall award Pharmacy Technician certificate unless such Institution and the Course of study are approved by the Council.
- (2) A person shall not be qualified to work as a Pharmacy Technician in any part of the Federation unless he is duly registered and issued with an annual permit by the Council as a Pharmacy Technician.
- (3) A person shall not be registered by the Council as a Pharmacy Technician unless he has —
 - (a) undergone a course of training for Pharmacy Technicians in a School of Health Technology or any other institution approved by the Council;
 - (b) been converted from pharmacy assistant to Pharmacy Technician before the commencement of this Bill or holds a certificate issued by a recognized Institution approved by the Council; or
 - (c) undergone a course of training in a foreign institution recognized by the Council for a specified period of time and has also undergone a mandatory six months orientation programme in a School of Health Technology or any other Institution recognised by the Council for that purpose.
- (4) A person who is registered as a Pharmacy Technician under subsection (2) of this section shall work under the direct supervision and control of a registered Pharmacist.
- (5) A supervising Pharmacist shall not assign to a Pharmacy Technician any duty which is required under the provision of this Bill to be performed only by a Pharmacist.
- (6) A person who does not possess the qualifications specified in subsection (2) of this section or who has not registered as a pharmacy technician or deemed to have been so registered, shall not work or perform any duty as a pharmacy technician at any place of work in any part of Nigeria.
- (7) A person shall not —
 - (a) use or bear the title "Pharmacy Technician" in connection with any work or duty performed by him at any place of work in any part of

Nigeria, if he is not registered as a Pharmacy Technician in accordance with the provisions of this Bill;

- (b) use or bear the title "Pharmacy Technician" in connection with his work or duty, in circumstances likely to suggest that he possesses any of the qualifications specified in subsection (2) of this section for Pharmacy Technicians but that person does not in fact possess or to suggest that he has been registered or deemed to be registered as a Pharmacy Technician under this Bill, when in fact he is not so registered; and
 - (c) work as a Pharmacy Technician in any year unless he has paid in respect of that year the prescribed annual permit renewal fee before 31st day of March.
- (8) Any person who violates the provisions of subsection (5) and (6) of this section commits an offence and shall be liable on conviction to a term of imprisonment for 2 years or a fine of ₦500,000 or to both such fine and imprisonment (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

Question that Clause 44 stands part of the Bill — Agreed to.

PART IX — PROFESSIONAL DISCIPLINE

Clause 45: Establishment of disciplinary tribunal.

- (1) There shall be a tribunal to be known as the Pharmacy Council of Nigeria Disciplinary Tribunal (hereinafter referred to as the "Tribunal") which shall be charged with the responsibility of considering and determining any case referred to it by the Investigating Panel established under section 46 of this Bill.
- (2) The Tribunal shall consist of the Chairman of the Council and six other members appointed by the Council (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

Question that Clause 45 stands part of the Bill — Agreed to.

Clause 46: Establishment of an investigating panel.

- (1) There shall be a body to be known as the Pharmacy Council of Nigeria Investigating Panel (hereinafter referred to as the "Investigating Panel") charged with the following responsibilities —
 - (a) conducting a preliminary investigation into any case where it is or Provisional member has committed an act in that capacity amounting to a professional misconduct or infamous conduct in a professional respect, or should for any other reason be the subject of proceedings before the Tribunal; and
 - (b) deciding whether the case should be referred to the Tribunal.
- (2) The Panel shall be appointed by the Council and shall consist of four members of the Council and one other person who is not a member of the Council, but who shall be a registered Pharmacist appointed by the Council.
- (3) The provisions of the second Schedule to this Act applies to the Investigating Panel and the Tribunal respectively.

- (4) Without prejudice to the foregoing provisions of this section, the Council shall make regulations for the discipline of pharmacy technicians and medicine Vendors when necessary (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*):

Question that Clause 46 stands part of the Bill — Agreed to.

Clause 47: Meaning of professional misconduct or infamous conduct.

- (1) For the purposes of this Part, professional misconduct or infamous conduct in a professional respect include —
- (a) the publication or circulation of false, misleading or deceptive statements concerning the practice of pharmacy;
 - (b) divulging or revealing to unauthorized persons, a patient or another practitioner's information, or the nature of professional pharmacy services rendered, without the patient's express consent, or without order or direction of a court;
 - (c) selling, giving away, or disposing of accessories, chemicals, drugs, medicines or devices which have been obtained illegally, when the pharmacist knows or ought to have known of their having been obtained illegally or their intended use in illegal activities;
 - (d) manufacturing, importing, exporting, procuring, compounding, mixing, preparing, dispensing, selling, distributing of medicines, chemicals, drugs, poisons, devices or accessories in an unlicensed premises;
 - (e) dispensing, selling, distributing, giving away or disposing accessories, chemicals, drugs, poisons, medicines or devices to unauthorized persons;
 - (f) engaging in conduct likely to deceive, defraud or harm the patient or the public, or demonstrating a willful or careless disregard for the health, welfare or safety of a patient or the public or engaging in conduct which substantially departs from the standards of care ordinarily exercised by a pharmacist;
 - (g) knowingly failing to maintain a complete and accurate records of all drugs and medicines produced, received, dispensed or disposed of in compliance with the requirements of all enactments, regulations and rules for the time being in force;
 - (h) practicing the profession without being licensed; or
 - (i) obtaining any monies by fraud, misrepresentation or deception.
- (2) Without prejudice to the provisions of subsection (1) of this section, the Council may make rules prescribing other acts or omissions which shall constitute professional misconduct or infamous conduct in professional respect under this Bill (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

Question that Clause 47 stands part of the Bill — Agreed to.

Clause 48: Penalties for professional misconduct, etc.**(1) Where —**

- (a) a pharmacist is found by the disciplinary tribunal to be guilty of professional misconduct or infamous conduct in any professional respect;
- (b) a pharmacist is convicted by any court or tribunal in Nigeria or elsewhere having power to award imprisonment, of an offence which in the opinion of the tribunal is incompatible with his status as a pharmacist; or
- (c) the disciplinary tribunal finds that the name of any person has been fraudulently registered under this Bill;

the tribunal may give a direction —

- (i) reprimanding that person;
- (ii) ordering the Registrar to suspend him from practice;
- (iii) ordering the Registrar to strike out his name off the appropriate register;
- (iv) ordering the person to pay a fine as may be specified in the direction; or
- (v) ordering the Registrar to remove from the register of premises, any premises entered in the register of premises, at which the pharmacy practice in question is carried out by a registered person, where applicable.

(2) The tribunal may defer its decision under subsection (1) of this section provided, that —

- (a) no decision shall be deferred for more than an aggregate period of three months; and
- (b) a member of the tribunal shall not sit for the purpose of reaching a decision which has been deferred unless he was present when the decision to defer was taken.

(3) Where the tribunal gives a direction under subsection (1) of this section, the tribunal shall cause a notice of the direction to be served on the person to whom it relates.**(4) A person to whom a direction under subsection (1) of this section relates may, at any time within thirty days from the date of service on him of the notice of 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 by the Court of Appeal as to the costs of the appeal and of proceedings before the tribunal, the tribunal shall be considered to be a party to the appeal, whether or not it appears on the hearing of the appeal.****(5) A direction of the tribunal under subsection (1) of this section shall take effect —**

- (a) where no appeal under subsection (5) of this section is brought against the direction within the time limit for such an appeal, on the expiration of that time;
 - (b) where an appeal under subsection (5) of this section is brought against the direction, but it is withdrawn or struck out for want of prosecution, from the date of the withdrawal or striking out of the appeal; or
 - (c) where such an appeal is brought and is not withdrawn or struck out as aforesaid, if and when the appeal is dismissed.
- (6) A person whose name is struck out of any register kept under this Bill or suspended from practice in pursuance of a direction of the tribunal shall not be entitled to be re-registered in that register or reinstated to practice, except in pursuance of a direction given by the Tribunal or the Appellate Court.
- (7) A Pharmacist who in respect of any year practices the profession without paying his annual practicing fee commits a misconduct and shall be liable —
- (a) in the case of a first offender, to a fine of twice the prescribed practicing fee;
 - (b) in the case of a second or subsequent offender, to a fine of not less than ten times the prescribed practicing fees, and if the Pharmacist is in the employment of any person, the employer shall be guilty of an offence punishable in the like manner as the Pharmacist where it is proved that the Pharmacist's failure to pay the prescribed fees was with the knowledge, consent or connivance of the employer (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

Question that Clause 48 stands part of the Bill — Agreed to.

Clause 49: When a person shall be treated as convicted.

For the purposes of section 48 (1) (b) of this Bill, a person shall not be treated as convicted unless as at the time the conviction is subsisting, the time stipulated for appeal has lapsed and no appeal is pending in an appellate court (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

Question that Clause 49 stands part of the Bill — Agreed to.

Clause 50: When a person is deemed to practice as a Pharmacist.

For the purpose of this Bill, a person shall be considered to practice as a pharmacist if he —

- (a) engages himself in the practice of pharmacy or holds himself out to the public as a pharmacist;
- (b) renders professional service or assistance in or about matters of principle or detail relating to pharmacy; or
- (c) renders any other service which may, by regulations made by the Council, be designated as service constituting practice as a licensed pharmacist (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

Question that Clause 50 stands part of the Bill — Agreed to.

Clause 51: The jurisdiction of the disciplinary tribunal.

Criminal proceedings shall not oust the jurisdiction of the Disciplinary Tribunal from determining any case of misconduct or infamous conduct in a professional respect
(*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

Question that Clause 51 stands part of the Bill — Agreed to.

PART X — OFFENCES AND PENALTIES

Clause 52: General offences.

- (1) Any person who knowingly makes a false statement for the purpose of procuring the registration of any name, premises, qualification or any other matter under this Bill, commits an offence.
- (2) A person who is not a registered pharmacist, an intern-pharmacist, pharmacy technician, satellite medicines facilities, vendor or pharmaceutical representative under this Bill, but practices as such or holds himself out as being so registered and entitled to practice in that capacity whether for reward or not, or takes or uses any name, title, addition or description implying that he is so registered and authorized by law to so practice, commits an offence under this Bill.
- (3) A person convicted of any offence under this section is liable on —
 - (a) conviction in the case of subsection (1) of this section, to a fine of not less than ₦500,000.00 or to a term of imprisonment not exceeding one year or to both; or
 - (b) conviction in the case of subsection (2) of this section, to a fine of not less than ₦1,000,000.00 or to a term of imprisonment not exceeding two years, or to both.
- (4) A body corporate that violates the provisions of this section commits an offence and is liable on —
 - (a) conviction in the case of subsection (1) of this section, to a fine of not less than ₦2,000,000.00 and the directors or principal officers of the body corporate shall be liable to a fine of not less than ₦250,000.00 or to a term of imprisonment not exceeding two years or to both; or
 - (b) conviction in the case of subsection (2) of this section, to a fine of not less than ₦5,000,000.00 and the directors or principal officers of the body corporate shall be liable to a fine of not less than ₦500,000.00 or to a term of imprisonment not exceeding three years or to both.
- (5) Where an offence under this Bill which has been committed by a body corporate is proved to have been committed with the consent, connivance or collusion of or to be attributable to any neglect on the part of a director, manager, secretary or any other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

- (6) In relation to a body corporate carrying on pharmacy business, subsection (4) of this section shall have effect as to a person who not being an officer of the body corporate at the time of the commission of the offence —
- (a) is the superintendent pharmacist; or
 - (b) at any premises where the business is carried on, is the pharmacist who acts under the directions of the superintendent pharmacist;
 - (c) as if he were such an officer of the body corporate as is mentioned in preceding subsection (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

Question that Clause 52 stands part of the Bill — Agreed to.

Clause 53: Obstruction of a pharmaceutical inspection officer and breaking of seal.

Any person who —

- (a) obstructs, resists, or attempt to obstruct or resist a Pharmaceutical Inspection Officer in the execution of his duty under this Bill;
- (b) makes any statement to a Pharmaceutical Inspection Officer in the course of his duties which that person knows or has reasonable cause to believe to be false or misleading; or
- (c) without the authority of the Pharmaceutical Inspection Officer removes, alters or interferes in anyway with any article seized under this Bill, or
- (d) breaks the Council's seal or lock, commits an offence and is liable on conviction to a fine of ₦2,000,000.00 or to a term of two years imprisonment or to both (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

Question that Clause 53 stands part of the Bill — Agreed to.

Clause 54: Operating a pharmacy without registration.

- (1) Any person or body corporate that owns, operates, maintains, establishes or has charge of either alone or with another person or persons, a pharmacy which is not registered under the provisions of this Bill, commits an offence and is liable on conviction to a fine of ₦2,500, 000.00 or two years imprisonment or both.
- (2) Any person or body corporate that owns, operates, maintains, establishes or has charge of, either alone or with another person or persons, a pharmacy in which a person not licensed as a pharmacist or not registered as an intern pharmacist or in which an intern pharmacist who is not acting under the direct and immediate personal supervision of a licensed pharmacist fills, compounds, or dispenses any prescription or dispenses medicines, drugs or poison commits an offence and is liable on conviction to a fine of ₦2,500,000.00 or two years imprisonment or both.
- (3) Any person or body corporate that owns, operates, maintains, establishes or has charge of either alone or with another person or persons a Satellite Medicine Facilities outlet or Patent and Patent Medicines Vendors Shop which is not registered under the provisions of this Bill commits an offence and is liable on conviction to a fine of ₦500,000.00 or to a term of imprisonment not less than 6 months or both.

- (4) Any person who knowingly and with intent to defraud —
- (a) makes a false or fraudulent claim, either for himself or another person, in any application, affidavit or statement presented to the Council or any proceeding before the Council; or
 - (b) fills, compounds or dispenses prescriptions or medicines without holding a valid licence as a pharmacist or not registered as an intern Pharmacist or is an intern not acting under the direct and immediate personal supervision of a licensed pharmacist; commits an offence and is liable on conviction to a fine of ₦250,000.00 or one year imprisonment or both (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

Question that Clause 54 stands part of the Bill — Agreed to.

Clause 55: General penalty.

- (1) Any person who commits an offence under this Bill for which no specific penalty is provided is liable on conviction to a fine of not less than ₦500,000.00 or to a term of two years imprisonment or both.
- (2) A body corporate that commits an offence under this Bill for which no specific penalty is provided is liable on conviction to a fine of not less than ₦2,000,000.00 (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

Question that Clause 55 stands part of the Bill — Agreed to.

Clause 56: Arrest, investigation and prosecution of criminal cases.

Subject to the provisions of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) and the Administration of Criminal Justice Act, a Police officer or other relevant law enforcement agencies shall have power under this Bill to —

- (a) arrest and investigate offenders; or
- (b) prosecute cases (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

Question that Clause 56 stands part of the Bill — Agreed to.

Clause 57: Seizure.

- (1) Any medicines, drugs, poisons or other articles sold, offered for sale, stocked or dispensed in violation of any provisions of this Bill may be seized by the Council.
- (2) Whenever Medicines, drugs, poisons or other articles are seized under any of the provisions of this Bill, the Council may —
 - (a) place the Medicines, drugs, poisons or other articles under seal; or
 - (b) remove the Medicines, drugs, poisons or other articles to a place designated by the Council (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

Question that Clause 57 stands part of the Bill — Agreed to.

Clause 58: Forfeiture of drugs, medicines, poisons, etc.

- (1) Medicines, drugs, poisons or other articles seized under this Bill shall be forfeited to the Federal Government of Nigeria and shall be free of any encumbrances.
- (2) Any drug, medicine, poison or other articles seized by the Council in accordance with the provisions of this Bill shall be forfeited to the Federal Government and shall be dealt with in such manner as the Minister may, from time to time determine (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

Question that Clause 58 stands part of the Bill — Agreed to.

PART XI — ETHICAL AND DANGEROUS DRUGS**Clause 59: Storage and supply of ethical or dangerous drugs.**

- (1) No ethical drugs shall be stored, supplied, sold, offered to be sold or dispensed by any person unless under the direct supervision of a licensed pharmacist.
- (2) No person shall store, supply, sell or dispense dangerous drugs unless —
 - (a) he is a licensed pharmacist;
 - (b) the drug is in a container of the prescribed description; and
 - (c) the container bears a label indicating the prescribed particulars of its contents.
- (3) Where a drug is supplied on prescription, the supplier of the drug shall —
 - (a) enter on the prescription in indelible writing, the —
 - (i) date on which the drug is supplied,
 - (ii) name and address of the supplier; and
 - (b) if the drug is fully dispensed, make entry in a manner as to be readily available for inspection (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

Question that Clause 59 stands part of the Bill — Agreed to.

Clause 60: Dangerous drugs record.

- (1) A person who supplies dangerous drugs shall keep on the premises from where he supplied the drugs, a book of the prescribed description to be known as the "Dangerous Drugs Record"
- (2) Before a person supplies dangerous drugs, he shall record in the Dangerous Drugs Record the —
 - (a) name and quantity of the drug to be supplied;
 - (b) name, and address, signature or thumbprint of the person to whom it is supplied;
 - (c) signature of the person who supplied the drug; and

- (d) date of supply (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

Question that Clause 60 stands part of the Bill — Agreed to.

Clause 61: Control of dispensing of dangerous drugs.

A pharmacist shall not dispense dangerous drugs, except under a prescription issued by a licensed medical practitioner, dentist or veterinary practitioner (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

Question that Clause 61 stands part of the Bill — Agreed to.

Clause 62: Preparation of restricted drugs.

- (1) A person shall not mix, compound, prepare or supply restricted drug unless that person is a registered pharmacist or a licensed company under the supervision of a pharmacist.
- (2) The provisions of subsection (1) of this section shall not apply to the mixing, compounding or preparing of a dangerous drug by a student under the supervision of a pharmacist (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

Question that Clause 62 stands part of the Bill — Agreed to.

PART XII — MISCELLANEOUS

Clause 63: Jurisdiction.

The Federal High Court shall have the jurisdiction to hear and determine criminal and civil matters under this Bill (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

Amendment Proposed:

In line 1, immediately after the words “have the”, insert the word “exclusive” (*Hon. Chinda Kingsley — Obio/Akpor Federal Constituency*).

Question that the amendment made — Agreed to.

Question that Clause 63 as amended, stands part of the Bill — Agreed to.

Clause 64: Regulations, rules and guidelines.

- (1) The Council may, with the approval of the Minister, make regulations, rules and guidelines as may be required to give effect to the provisions of this Bill.
- (2) Without prejudice to the generality of the provisions of subsection (1) of this section, the Council may make rules, guidelines and regulations for the purpose of —
 - (a) ensuring the ethical sales, dispensing, distribution, importation, exportation, compounding, warehousing, manufacture of drugs, medicines, drugs and poisons, operations of pharmacy technicians, medicine vendors and such other persons as may be approved by the Council;
 - (b) training of pharmacists, pharmacy technicians and Patent medicines vendors;

- (c) supervision and regulation of the engagement, training and transfer of such persons;
 - (d) prescribing the type of licence to be issued annually under this Bill to a person to practice as an intern pharmacist or pharmacy technician and operating premises; or, where the Council considers fit, for the annual renewal of the licence to be done by endorsement of the renewal on an existing licence;
 - (e) restricting the right of practice as a pharmacist or operating a premises where there is a default of payment of the amount of the annual subscription and the default continues for longer than such period as may be prescribed by the rules;
 - (f) restricting the right of practice as a pharmacist where the qualification granted outside Nigeria does not entitle the holder to practice as a pharmacist in Nigeria;
 - (g) prescribing the form and manner of the inspection of premises where medicines, pharmaceutical raw materials are kept, stored, sold or manufactured;
 - (h) reviewing all categories of pharmacy practice from time to time;
 - (i) prescribing the procedure for maintaining and filing with the Council within two months of the publication of the result of the final examination conducted by a School of Health Technology or any other Institution approved by the Council for persons seeking to qualify as pharmacy technician including the list of the candidates who are successful at the examination;
 - (j) regulating all forms of manufacturing, compounding, storage, sale, dispensing, distribution, importation or exportation of drugs, poisons, medicines, herbal medicines, food supplements, nutraceuticals, veterinary drugs and pharmaceuticals or by whatever name described;
 - (k) prescribing the requirement of re-certification as a condition for the retention of the name of registered Pharmacists, Pharmacy Technicians and Medicine Vendors in the register or conditions for renewal of the practicing license of a registered pharmacist, Pharmacy Technicians and Medicine Vendors; or
 - (l) supervision and regulation of Pharmacy Technicians and restriction of the work of any Pharmacy Technician in default where such defaults continue longer than that prescribed by the rules.
 - (m) regulating the grant, renewal, restoration, endorsement, revocation, suspension, cancellation, withdrawal of licence
 - (n) prescribing the procedures for changes, variations and modification of licence.
- (3) The power to make regulations, rules and guidelines under subsections (1) and (2) of this section shall not be exercised in the absence of the Council.

- (4) Any Regulation, rule or guideline made under this Bill shall be published in the Gazette (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

Clause 65: Duty of Deans to furnish Registrar details of pharmacy students in training.
It shall be the duty of the dean of each faculty of pharmacy approved by Council in any University in Nigeria to furnish to the Registrar —

- (i) not later than 31st of March in every year a list of the names and such other particulars as the Council may by order specifying of all persons who are registered as pharmacy students in that faculty during the academic session;
- (ii) with the list of candidates successful at the final pharmacy degree examination immediately after the release of the result (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

Question that Clause 65 stands part of the Bill — Agreed to.

Clause 66: Pre-action notice.

- (1) No suit shall be commenced against the Council before the expiration of a period of one -month after a written notice of intention to commence the suit had been served on the Council by the intending plaintiff or his agent and the notice shall clearly state the —
- (a) the cause of action;
- (b) the particulars of the claim;
- (c) the name and place of abode of the intending plaintiff; and
- (d) relief which he claims.
- (2) The notice referred to in subsection (1) of this section and any summons, notice or other document required or authorized to be served on the Council under this Bill or any other law, may be served by —
- (a) delivering it to the abode of the intending plaintiff; or
- (b) sending it by registered post addressed to the Registrar at the Head Office of the Council (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

Question that Clause 66 stands part of the Bill — Agreed to.

Clause 67: Restriction on execution against property of the Council.

In any action or suit against the Council, no execution shall be levied or attachment process issued against the Council unless not less than 30 days' notice of the intention to execute or attach has been given to the Council (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

Question that Clause 67 stands part of the Bill — Agreed to.

Clause 68: Indemnity of officers of the Council.

A member of the Council, Registrar, officer or employee of the Council shall be indemnified out of the assets of the Council against any proceedings brought against him in his capacity as a member of the Council, Registrar, officer or employee of the Council where the act complained of is not ultra vires his powers (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

Question that Clause 68 stands part of the Bill — Agreed to.

Clause 69: Repeal and savings.

- (1) The Pharmacists Council of Nigeria Act, Cap P17, Laws of the Federation of Nigeria, 2004, (in this Act referred to as "the repealed Act") is repealed.
- (2) Notwithstanding the provisions of subsection (1) of this section —
 - (a) any person who is registered and all regulations and amendments made under the repealed Act shall be deemed to have been made under this Bill;
 - (b) any register kept in pursuance of the repealed Act shall be deemed to be part of the register kept under this Bill;
 - (c) any document referring to the provisions of the former Acts shall be construed as referring to the corresponding provisions of this Bill;
 - (d) any direction, orders and appointments lawfully given, made or other acts done under the repealed Act and in force immediately before the commencement of this Bill, shall be deemed to have been given, made or done under this Bill and shall have effect accordingly;
 - (e) any person who immediately before the commencement of this Bill held appointment as an employee of the Council shall on the commencement of this Bill be deemed to have been deployed to the Council as an employee without further assurance; and
 - (f) all property held by or on behalf of the Council immediately before the commencement of this Bill, shall on the commencement of this Bill be deemed to have been vested in the Council without further assurance (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

Question that Clause 69 stands part of the Bill — Agreed to.

Clause 70: Adaptation of the poisons and pharmacy Act.

- (1) The Poisons and Pharmacy Act, Cap. 535, Laws of the Federation of Nigeria, 1990 shall be read with such modifications as are necessary to bring it into conformity with the provisions of this Bill.
- (2) Where the provisions of the Poisons and Pharmacy Act are inconsistent with the provisions of this Bill, the provisions of this Act shall prevail and the provisions of the Poisons and Pharmacy Act shall to the extent of the inconsistency be void in relation to matters provided for under this Bill (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

Question that Clause 70 stands part of the Bill — Agreed to.

Clause 71: Interpretation.
In this Bill —

"Approved" means approved by the Council (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

"Article" includes —

- (a) any drug, poison, medicine or medical consumables;
- (b) anything used for the manufacture, preparation, preservation, packaging or storing of any drug poison or medical device;
- (c) any labeling or advertising material relating to or for use in connection with any drug, poison or medical device;
- (d) records and books required to be kept under this Bill; or
- (e) electronic records, receipts, invoices and other relevant documents (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

"Associate Member" mean students in accredited Faculties or Schools of Pharmacy (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

"CDTM" Collaborative Drug Therapy Monitoring, this is a team approach to healthcare delivery, that seeks to maximize the expertise of the pharmacist and the physician in order to achieve optimal patient care outcomes through appropriate medication use and enhanced patient care services (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

"Chain Retail Pharmacy" means a number of registered pharmaceutical premises as specified by regulation bearing same name engaged in retail pharmaceutical practice and owned by body corporate or pharmacist (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

"Community Pharmacy" is a health care facility that provides pharmaceutical services to people in a local area or community (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

"Council" means the Pharmacy Council of Nigeria established under section 1 of the Bill (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

"Court" means the Federal High Court (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

"Dangerous Drugs" means any drug to which the provisions of Dangerous Drugs Act apply (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

"Disciplinary Tribunal" means the Pharmacy Council of Nigeria Disciplinary Tribunal established under this Bill (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

"Dispensing" means to prepare, to count out, measure or decant from a bulk supply, or mix, or dissolve, or disperse, and dispose the drug, for gain or otherwise for the treatment of a particular person or animal but does not include the actual administration of the drug (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

"Doctor's Emergency Medicine Kit" means drug for patients' immediate use for a period not exceeding 24 hours, and contained in a standard leather briefcase (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

Question that the meaning of the words "Doctor's Emergency Medicine Kit" be as defined in the interpretation to this Bill — Agreed to.

"Drugs or medicines" include any substance of vegetable, animal or mineral origin or any preparation or mixture, which is used for internal or external application —

- (a) the diagnosis, treatment, mitigation or prevention of any disease disorder, abnormal physical state, or the symptoms thereof, in man or in animals;
- (b) restoring, correcting or modifying organic functions in man or in animals;
- (c) disinfection, or the control of vermin, insects or pests, or
- (d) contraception (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

"DUR" means Drug Utilization Review Process of a comprehensive review of medication profile by a pharmacist (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

"Ethical Drugs" means drugs or medicines dispensed under the direct supervision of a licenced Pharmacist (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

"Emergency Drugs" are medications for immediate use within a period of 24 hours as specified by the prescriber (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

"Emergency Tray" means a standard array of listed emergency and lifesaving drugs specifically laid out and replenished only in hospital (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

"Fees" include annual subscription, practicing fee, registration fees, renewal fees, inspection fees (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

"Forensic Pharmacy" means study of pharmacy and drug laws as well as the application of pharmaceutical sciences and practice to legal matters (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

"GMP" with reference to the functions of the Council is limited to the inspection of pharmaceutical facilities for the purposes of licensure and revalidation of such licences (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

"GPP" means Good Pharmaceutical practice in accordance with best global practices (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

"Hospital Pharmacy" is the department, section or unit of the hospital or clinic that manage the procurement, storage, preservation, packaging, sterilization, compounding, preparation, dispensing or distribution of medicine in the hospital or clinics (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

"Insanitary Conditions" mean such condition or circumstances that might contaminate any food, drug or cosmetic with dirt or filth or render it injurious to health (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

"Investigating Panel" means the Pharmacy Council of Nigeria Investigating Panel established under this Bill (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

"Label" in relation to any food, drug, cosmetic, medical device or package which includes any legend, word or mark attached to, included in, belonging to or accompanying that food, drug, cosmetic, medical device or package (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

"PPMV" refers to a person whose patent medicines shop has been licenced to stock and sell Class C drugs (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

"Medical Devices and Accessories" used in this Act include needle, syringes, gauze, cotton wools (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

Question that the meaning of the words "Medical Devices and Accessories" be as defined in the interpretation to this Bill — Agreed to.

"Members" mean persons with full registration status with Pharmacy Council of Nigeria (PCN) (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

"Minister" means the Federal Minister charged with the responsibility for matters relating to Health (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

"OTC" means Over the Counter medicines which may be sold without prescription and include but not limited to non-prescription medicine and invitro diagnostic (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

"Package" includes anything in which any food, drug, cosmetic or device is wholly or partly contained, wrapped, placed or packed (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

"Pharmacist" refers to any person who is registered and licensed to engage in pharmacy in Nigeria and whose name is in the register kept for such purpose by Pharmacy Council of Nigeria (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

"Pharmacy Technician", means a person who has undergone a course of training for Pharmacy Technicians in a School of Health Technology or any other institution approved by the Council, is duly registered and issued with an annual permit by the Council as a Pharmacy Technician Pharmacist (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

"Pharmaceutical activities" include dispensing, selling, distribution, storage, stocking, wholesaling or manufacturing of drugs and poisons (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

"Pharmaceutical Inspection Officer" also known as "Pharmaceutical Inspector" and "Pharmaceutical Inspector" refers to a registered Pharmacist appointed or engaged by the Pharmacy Council of Nigeria to carry out inspection on premises where pharmaceutical activities, operations and businesses are carried out (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

"Pharmaceutical Care" is the responsible provision of drug therapy for the purpose of achieving definite outcomes that improve and sustain a patient's quality of life (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

"Pharmaceutical Marketing and Representation" means any activity undertaken or organized or sponsored by a company, distributor, or an importer that is promoting the prescription, recommendation, supply, sale or distribution of a pharmaceutical product (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

Question that the meaning of the words "Pharmaceutical Marketing and Representation" be as defined in the interpretation to this Bill — Agreed to.

"Pharmaceutical/sales Representatives" means persons involved in pharmaceutical marketing and representation (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

Question that the meaning of the words "Pharmaceutical/sales Representatives" be as defined in the interpretation to this Bill — Agreed to.

"Pharmacy" or any other cognate expression when used in connection with a business carried on any premises shall be deemed to be reasonably calculated to suggest that the owner of the business and the person having the control of the business on those premises are registered or ought to be registered under this Bill (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

"Pharmacy Practice" include giving of patient-centred care, provision of drug information, monitoring of drug therapy, discovery and evaluation of drugs, clinical interventions and provision of technical aspects of pharmaceutical services or business such as importation, exportation, mixing, compounding, preparing, dispensing, selling and distribution of drugs and poisons (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

"Poison" includes substances whether natural or synthetic, mixed with other ingredients or not, and whatever restrictions under the provisions of this Bill are placed on any particular poison shall apply to it whether it is unmixed or is contained as an ingredient in some preparation, unless it is contained in one of the preparations specifically exempted from such provisions (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

"POM" Prescription only Medicines, these are medicines which can only be obtained by the general public if they are in possession of a valid prescription (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

"Practicing fee" means payment made by registered members of the profession to Council (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

"Premises" refers to a place approved and registered by the Council for any of the following purposes of dispensing, selling, distribution, storage, stocking, retailing, wholesale, manufacturing, importation, exportation of drugs and poisons, herbal and dietary supplements, scientific offices or any other form of pharmaceutical activities (Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency).

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

"Prescribed" means prescribed by the regulations (Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency).

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

"President" means President and Commander-in-Chief of the Federal Republic of Nigeria (Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency).

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

"Profession" means Pharmacy Profession (Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency).

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

"Provisional Members" persons with provisional registration status with Pharmacy Council of Nigeria (PCN) and this include non-Nigerians and Nigerian citizens undergoing internship programmes (Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency).

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

"Register" means any register maintained or required to be maintained in accordance with the provisions of this Bill (Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency).

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

"Registrar" means the Registrar appointed under the provisions of this Bill (Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency).

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

"Regulation" means rules and regulations made under this Bill (Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency).

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

"Restricted Drugs" these are controlled and psychotropic substances as well as any drug to which the provisions of Dangerous Drugs Act apply (Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency).

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

"Retention Fees" are annual fees paid for the retention of names of persons or premises in their respective registers (Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency).

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

"Satellite Medicine Facility" is a retail medicine facility established through an arrangement with a registered community pharmacy of not less than 5 years of existence in Nigeria, for the sole purpose of improving access to quality, safe, efficacious and affordable Pharmaceutical products and services in underserved communities and other areas the Council deems necessary (Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency).

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

"Selling" includes offering for sale, hawking for sale and displaying for purpose of sale and in possession for sales or distribution (Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency).

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

"Society" means the Pharmaceutical Society of Nigeria (Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency).

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

"Superintendent Pharmacist" means a registered and licenced pharmacist who applied for and through whom the registration of the pharmaceutical premises was procured and he exercises direct personal control and management of pharmaceutical activities carried on in the premises (Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency).

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

Question that Clause 71 stands part of the Bill — Agreed to.

Clause 72: Short Title.

This Bill may be cited as the Pharmacy Council of Nigeria (Establishment) Bill, 2020 (Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency).

Question that Clause 72 stands part of the Bill — Agreed to.

SCHEDULES

FIRST SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

Proceedings of the Council

1. (1) Subject to the provisions of this Bill, the Council may make standing orders regulating its proceedings or any of its committees thereof.
- (2) Questions for determinations shall be decided by a majority of the members present and voting thereon and, in the event of equality of votes, the chairman, shall have a second or casting vote.
- (3) Standing orders made for a committee shall provide for the committee to report to the Council on any matter referred to it by the Council.
- (4) The quorum of the Council shall be one-third of the members of the Council and the quorum of a committee of the Council shall be fixed by the Council.
- (5) The Council may invite any person to attend and participate at any of its meetings provided that a person so co-opted shall only be in attendance and shall not count towards the quorum or vote at the meeting.

Meetings of the Council

2. (1) Subject to the provisions of any standing orders of the Council, the Council shall meet whenever it is summoned by the chairman, and if the chairman is requested to do so, by notice in writing given to him by not less than five other members, he shall summon a meeting of the Council to be held within fourteen days from the date on which the notice is given.
- (2) At any meeting of the Council, the Chairman shall preside or in his absence, the members present at the meeting, shall appoint one of their members to preside.
- (3) Where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt him as a member for such period as the Council thinks fit, but a person who is a member by virtue of this paragraph shall not be entitled to vote at the meeting and shall not count towards the quorum.
- (4) Notwithstanding anything in the foregoing provisions of this paragraph, the inaugural meeting of the Council shall be summoned by the Minister.

Committees

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

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

Miscellaneous

4. (1) The fixing of the seal of the Council shall be authenticated by the signature of the chairman, the Registrar or any other members of the Council authorized generally or specially by the council to act for that purpose.
- (2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be sealed, may be made or executed on behalf of the Council, by any person generally or specially authorized by the Act, for that purpose by the Council.
- (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.
- (4) The validity of any proceedings of the Council or of a committee of the Council shall not be adversely affected by any vacancy in membership of the Council or by any defect in the appointment of a member of the Council or of a person to serve on the committee, or by reason that a person not entitled to do so took part in the proceedings.
- (5) Any member of the Council and any person holding office on a committee of the Council, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council or a committee thereof shall disclose his interest, and shall not vote on any question relating to the contract or arrangement.
- (6) A person shall not by reason only of his membership of the Council be treated as holding an office in the public service of the Federation (*Hon. Sergius O. Ogun Esan North East/South East Federal Constituency*).

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

SECOND SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE
DISCIPLINARY TRIBUNAL AND INVESTIGATING PANEL

The Disciplinary Tribunal

1. The quorum of the Disciplinary Tribunal shall be five members.
2. The Attorney General of the Federation shall —
- (a) appoint an assessor to the Tribunal for the purpose of any proceeding before the Disciplinary Tribunal; and
- (b) make rules as to the selection of members of the Disciplinary Tribunal for the purpose of any proceeding, the procedure to be followed and the rules of evidence to be observed in proceedings before the Disciplinary Tribunal.
3. The Rules made pursuant to paragraph 3 of this Schedule shall in particular provide —
- (a) for securing that notice of the proceedings shall be given in such time and manner, as may be specified by the rules to the person who is the subject of the proceedings;

- (b) for determining who, in addition to the person aforesaid, shall be a party to the proceedings;
 - (c) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the Disciplinary Tribunal;
 - (d) for securing that any party to the proceedings may be represented by a legal practitioner;
 - (e) for determining the costs of proceedings before the Disciplinary Tribunal;
 - (f) for requiring, in a case where it is alleged that the person who is the subject of the proceedings is guilty of infamous conduct in any professional respect, that where the Disciplinary Tribunal adjudges that the allegation has not been proved it shall record a finding that the person is not guilty of such conduct in respect of the matters to which the allegation relates; and
 - (g) for publishing in the Gazette notice of any direction of the Disciplinary Tribunal which has taken effect providing that a person's name shall be struck off a register.
4. For the purpose of any proceedings before the Disciplinary Tribunal, any member of the Disciplinary Tribunal may administer oath and any party to the proceedings may issue out of the registry of the Federal High Court writs of subpoena ad testificandum and duces tecum but no person appearing before the Disciplinary Tribunal shall be compelled to —
- (a) make any statement before the Disciplinary Tribunal tending to incriminate himself; or
 - (b) produce any document under such a writ which he could not be compelled to produce at the trial of an action.
5. For the purpose of advising the Disciplinary Tribunal on questions of law arising in proceedings before it, there shall in all such proceedings be an assessor to the Disciplinary Tribunal who shall be appointed by the Council on the nomination of the Attorney-General of the Federation and shall be a legal practitioner of not less than ten years standing.
6. The Attorney-General of the Federation shall make rules as to the functions of assessors appointed under this paragraph and in particular such rules shall contain provisions for securing that —
- (a) where an assessor advises the disciplinary tribunal on any question of law as to evidence, procedure or any other matters specified by 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) 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.

Investigating Panel

7. The quorum of the Investigating Panel shall be three all of whom shall be pharmacists.
8. The Investigating Panel may, at any of its meeting attended by all the members of the Investigating Panel, make standing orders with respect to the Investigating Panel.

9. Subject to the provisions for any such standing orders, the Investigating Panel may regulate its own procedure.

Miscellaneous

10. A person ceasing to be a member of the Disciplinary Tribunal or the Investigating Panel shall be eligible for appointment as a member of that body.
11. A person may, if otherwise eligible, be a member of both the Disciplinary Tribunal and the Investigating Panel; but no person who acted as a member of the Investigating Panel with respect to any case shall act as a member of the Disciplinary Tribunal with respect to that case.
12. The Disciplinary Tribunal or the Investigating Panel may act notwithstanding any vacancy in its membership, and the proceedings of either body shall not be invalidated by any irregularity in the appointment of member of that body by reason of the fact that any person who was not entitled to do so took part in the proceedings of that body.
13. Any document authorized or required by virtue of this Bill to be served on the Disciplinary Tribunal or the Investigating Panel shall be served on the Registrar.
14. Any expenses of the Disciplinary Tribunal or Investigating Panel shall be defrayed by the Council.
15. A person shall not by reason of his appointment as an assessor to the Disciplinary Tribunal, be treated as holding an office in the Public Service of the Federation (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

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

Explanatory Note:

(This note does not form part of the above Bill but is intended to explain its purport)

The Bill establishes the Pharmacy Council of Nigeria charged with the duty, amongst others, of regulating and controlling the education, training and practice of Pharmacy and allied matters in Nigeria (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

Agreed to.

Long Title:

A Bill for an Act to Repeal the Pharmacists Council of Nigeria Act, Cap. P17, Laws of the Federation of Nigeria, 2004, and Re-Enact the Pharmacy Council of Nigeria Act to Regulate the Training and Practice of Pharmacy; and for Related Matters (HB. 334) (*Hon. Sergius O. Ogun — Esan North East/South East Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report on a Bill for an Act to Repeal the Pharmacists Council of Nigeria Act, Cap. P17, Laws of the Federation of Nigeria, 2004 and Enact the Pharmacy Council of Nigeria Bill to Regulate the Training and Practice of Pharmacy; and for Related Matters (HB. 334) and approved Clauses 1 - 62, approved Clause 63 as amended, approved Clauses 64 - 72, the Schedules, the Explanatory Memorandum, and the Long Title of the Bill.

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

21. Adjournment

That the House do adjourn till Tuesday, 11 February, 2020 at 11.00 a.m. (Hon. Alhassan Ado Garba — House Leader).

The House adjourned accordingly at 2.15 p.m.

Ahmed Idris
Deputy Speaker