



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA

ORDER PAPER

Wednesday, 2 May, 2007

1. Prayers
 2. Approval of the Votes and Proceedings
 3. Announcements (if any)
 4. Petitions (if any)
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PRESENTATION OF REPORTS

1. **Detailed Report of the Joint Committee on Electoral Matters, Appropriations and Finance Committee on the Conduct of the 2007 General Elections.**
 2. **Committee on Marine Transport:**
Hon. Emeka Ihoedioha:
"That this House do receive the Report of the Conference Committee on a Bill for an Act to Provide for the Promotion of Maritime Safety and Security, Protection of the Marine Environment, Shipping Registration and Commercial Shipping, Maritime Labour, the Establishment of National Administration and Safety Agency and to Provide for Matters Connected Therewith, 2006 (HB. 270)".
 3. **Committee on Marine Transport:**
Hon. Emeka Ihoedioha:
"That this House do receive the Report of the Committee on Marine Transport on a Bill for an Act to Provide for Merchant Shipping and for Matters Connected Therewith, 2006 (HB. 271)".
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ORDERS OF THE DAY

MOTION

1. **Adoption of the Report of the Conference Committee on a Bill for an Act to Make Provisions for Regulations and Fiscal Incentives in Connection with Petroleum Operations Carried Out by Indigenous Oil Companies, 2007: Hon. Cairo Ojougboh:**
The Conference Report on a Bill for an Act to Make Provisions for Regulations and Fiscal Incentives in Connection with Petroleum Operations carried out by Indigenous Oil Companies, 2007, was laid on 22 March, 2007;

A clean copy of the Report is ready for adoption;

Resolves to adopt the Report of the Conference Committee on the Indigenous Oil Companies (Regulations and Fiscal Terms) Bill, 2007.

BILL

2. A Bill for an Act to Establish the Institute of Safety Professionals of Nigeria (ISPON), 2007 (SB. 39) — *Third Reading*.

CONSIDERATION OF REPORTS

3. A Bill for an Act for the Establishment of the Institute for Democratic and Legislative Studies and for Matters Connected Therewith, 2006 (SB. 118) {*Adjourned Consideration: 22/3/2007*}.

A BILL FOR AN ACT FOR THE ESTABLISHMENT OF THE INSTITUTE FOR DEMOCRATIC AND LEGISLATIVE STUDIES AND FOR MATTERS CONNECTED THEREWITH

Provisions of the Proposed Bill

*Committee of
Whole*

PART I — ESTABLISHMENT OF THE INSTITUTE FOR DEMOCRATIC
AND LEGISLATIVE STUDIES

Establishment of the Institute for Democratic and Legislative Studies,

1. (1) The Institute for Democratic and Legislative Studies is hereby established.

(2) The Institute for Democratic and Legislative Studies (hereinafter called "the Institute") shall be a body corporate with perpetual succession and a common seal.

(3) The Institute shall be located in Abuja.

Functions and Objectives of the Institute.

2. (1) Subject to the provisions of the Act, the Institute shall be charged with the responsibility of conducting quality academic and professional research, training and advocacy on democratic governance and legislative practice and procedures. In furtherance of this vision the Institute shall do the following:

(2) In order to realize its objectives, the Institute shall have power to:

(a) conduct periodic short and refresher courses for National and State legislators, legislative staff, committee secretaries and political aides on democracy and good governance;

(b) provide research reports for legislations for either chamber of the National Assembly, their Committees or the drafting units of the National Assembly;

(c) produce independent policy responses to legislations or policies pending before either chamber of the National Assembly;

(d) initiate and encourage legislative drafting courses in tertiary institutions in Nigeria and abroad;

(e) encourage private sector participation and collaborate with national and international organizations on research and training on issues relevant to its mandate;

(f) run and maintain quality and world class libraries and database on the legislative system and democratic governance;

(g) be involved in teaching, training and research on political culture and political development among others;

(h) develop training curricula for schools and tertiary institutions on democracy, legislative practice and procedures, political culture, civics, ethics and political development;

(i) provide training courses on democracy, legislative practice and procedures, political culture and political development;

(j) provide internship for scholars;

(k) engage visiting scholars/fellows to participate in its academic research programmes;

- (l) provide endowments to enhance the training and teaching offered to its clients;
- ;
- (m) initiate and execute any project that would help to generate ideas and policies for good governance; and
- i 1 .
- (n) award appropriate professional certificates and testimonials according to the training and ; teaching offered to its clients.

(3) The Institute shall not through its program, or policies endorse any candidate or any political party for elective office or campaign on behalf of any religious, ethnic or cultural organization.

Governing Council of the Institute/Governing Council of the Institute.

3. (1) There is hereby established for the Institute a Governing Council (hereinafter called "Council").

(2) The Council is vested with the powers to make decisions and formulate general policies for the guidance of the Institute.

(3) The Council shall consist of the following members:

(a) a part-time Chairman who shall be an experienced legal officer or any eminent Nigerian considered suitable for the office of Chairman;

(b) the Rector, who shall be a professional in the field of Political Science or Law and shall have at least 12 years cognate experience in tertiary institutions;

(c) the President of Nigerian Political Science Association (NPSA);

(d) the President of Nigerian Society of International Affairs (NSIA);

(e) the President of National Council of Women Societies, Nigeria (NCWS);

(f) a representative from each of the six (6) geopolitical zones of the country — each representative shall have at least 5 years cognate experience in legislation and governance;

(g) a representative of the Clerk of the National Assembly;

(h) a representative of the National Assembly Service Commission; and

(i) a representative of the Parliamentary Senior Staff Association of Nigeria.

(2) (a) The Chairman shall hold office for a period of 4 years and may be reappointed for another term of 4 years;

(b) The Rector shall serve as the Secretary to the Council.

Appointment of Council Members.

4. (1) The members of the Council shall be appointed by the President of the Federal Republic of Nigeria, subject to the confirmation of the Senate.

(2) The members of the Council shall hold office for one term of 4 years; and may be appointed for one more term only.

(3) The office of Chairman, Rector or any member of the Council under this Bill shall become vacant if:

(a) he resigns his office by notice in writing under his hand addressed to the President. Commander-in-Chief of the Armed Forces;

(b) the President, Commander-in-Chief of the Armed Forces is satisfied that it is not in the interest of the Institute for the person appointed to continue in office and notifies the member in writing to that effect subject to Senate approval;

- (c) he is a victim of protracted ill-health or he is severely incapacitated by accident and confirmed by constituted medical board;
- (d) he suffers death;
- (e) found guilty of financial impropriety; or
- (f) he is declared bankrupt.

Director-General of the Institute.

5. (1) There shall be for the Institute, a Rector who shall possess appropriate qualifications and cognate experience.
- (2) The Rector shall be appointed by the President, Commander-in-Chief of the Armed Forces from a list of three persons recommended by the Council.
- (3) The Rector shall hold office for a period of five years and may be re-appointed for another term of five years, as generally applies in similar institutions.
- (4) The Rector shall be the Chief Executive and Academic Officer of the Institute and shall be charged with general responsibility for matters relating to the day-to-day management and operations of the Institute; and
- (5) The Rector shall be responsible to the Council.

The Structure of the Institute.

6. (1) There shall be established for the Institute two (2) Schools of three (3) Departments each namely:

School of Democratic Studies:

- (a) Department of Governance, Democracy and Development (GDD);
 - (b) Department of Public Policy Analysis and Programme (PPAP); and
 - (c) Department of Social Sciences and General Services (SSGS).
- (2) School of Legislative Studies:
- (a) Department of Legislative Practices and Procedures (LLP);
 - (b) Department of Sergeant-at-Arms and Security Services (SASS); and
 - (c) Department of Information, Publicity and Official Reporters (IPOR).

- (3) Each School shall be headed by a Deputy Rector who shall be a professionally qualified person appointed through a competitive process after an open advertisement.
- (4) The Rector and the Management Board may approve the creation of more Departments as it may deem necessary to achieve the objectives of the Institute.

Establishment of the Management Board.

7. (1) There shall be established for the Institute a Management Board comprising the Rector who shall act as the Chairman, two (2) Deputy Rectors, Registrar, Bursar, Librarian and six (6) Heads of Department.
- (2) The Management Board shall be responsible for general administration of the Institute, particularly recruitment, discipline and promotion of staff.

(3) The Rector and Deputy Rectors shall perform such functions as their counterparts in tertiary institutions.

(4) There shall be positions of Registrar, Bursar, Librarian as contained in Clause 7 (2) whose schedule of duties shall be specified by the Council.

Academic Research Board.

8. (1) There shall be established for the Institute an Academic Board.

(2) The Academic Board shall have the Rector of the Institute as Chairman, Deputy Rectors, Heads of Department and other Senior Academic staff as members.

(3) Subject to the provisions of this Act, the Academic Board shall advise the Rector on research and training programs as they relate to the objectives of the Institute and the management of Academic staff.

Appointment of staff

9. (1) Staff of the Institute other than those mentioned in the Act shall be employed according to procedure of employment as stipulated by Council.

(2) Staff of the Institute shall be entitled to benefits under, the Pension Reform Act 2004 of Nigeria.

(3) Nothing in subsections (1) and (2) of this Section shall prevent the employment of a person to any office on temporary or permanent basis on terms which preclude the grant of pension. "

Staff regulation.

10. (1) The Council may, subject to the provision of this Bill, make staff regulations relating generally to the conditions of service of the employees of the Institute and without prejudice to the generality of the foregoing such regulations may provide for —

(a) the appointment, promotion and disciplinary control (including dismissal) of employees of the Institute; and - ."

(b) appeals by such employees against dismissal or other disciplinary measures, and until such regulations are made, any instrument relating to the conditions of service of public officers shall be applicable, with such modification as may be necessary, to the employees of the Institute.

(2) Staff regulation made under subsection (1) of this section, shall not have effect until approved by the Governing Council of the Institute and; when so approved shall be officially Gazetted but the Council shall cause them to be brought to the notice of all affected persons in such manner as it may, from time to time, determine.

Financial Provisions.

11. (1) The Institute shall establish and maintain a fund which shall be applied towards the promotion of the objectives specified in this Act.

(2) At the beginning of every budget year, Government shall approve a budget for the Institute.

(3) There shall be paid and credited to the fund established for the Institute:

(a) sums appropriated from the Federal budget for the fiscal year;

(b) gifts and donations and contributions from national and international institutions and philanthropic persons and organizations;

(c) fees charged for services rendered by the Institute.

Powers to accept gifts.

12. (1) The Institute may accept gifts and bequests upon such terms that do not compromise its capability to fulfil its objectives and sustain its non-partisan policy.

(2) The Institute may with approval in writing of the Council, and subject to other guidelines and policies of the Federal Government, borrow such money needed for the exercise of its **functions** as the Management Board may determine under the Act, provided that such borrowing shall be made on terms that do not compromise the independence and competence of the Institute.

' Establishment of funds for the Institute.

13. The Institute shall manage its fund in accordance with rules made by the Management Board with the general direction of the Council, and without prejudice to the power to make rules under this section, the rules shall contain provisions specifying:

- (a) the manner in which the assets or funds of the Institute are to be held;
- (b) the keeping of proper accounts and records for the purpose of the fund in such manner, as may be safe and effective.

Application of the funds of the Institute.

14. The Institute shall apply its fund to the cost of administration of the Institute, including but not limited to, payment of salaries, gratuities, allowances and fees and the payment of other contracts, consultancies and purchases made for the benefit of the Institute.

Estimates of Incomes and expenditure of the Institute.

15. The Rector shall, not later than 30th of September each year, present to the Council for approval an estimate of the expenditures and incomes of the Institute for the next fiscal year.

Annual Budgets of the Institute.

16. The Chairman of Council shall not later than 30th September each year or other date stipulated by law or administrative policy, submit to the National Assembly an estimate of the expenditure and incomes of the Institute approved by the Council for the next fiscal year for incorporation in the Budget of the Federation.

Financial Reports of the Institute.

17. (1) The Rector shall submit to the National Assembly quarterly reports of the Finances of the Institute.

(2) The Chairman of Council shall present yearly report of the activities of the Institute to the National Assembly.

Miscellaneous.

18. (1) The Institute may, subject to the provisions of the Land Use Act and any other applicable law, lease, rent or howsoever acquire an interest in land and other properties and build and maintain offices and premises for its activities.

(2) For the purpose of its administrative and business activities, the provisions of the Public Officers Protection Act shall apply with such modification as necessary to promote the effective realization of the objectives of the Institute.

(3) Subject to provisions of this Act the Council shall have powers to issue subsidiary rules relating to legal liabilities and indemnities of officials and staff of the Institute.

(4) Members of the Council may receive allowances as applies in government agencies and Institutes or as may be stipulated by the Council in accordance with applicable Federal Government regulations.

Interpretation.

19. In this Act, except the context otherwise permits —

"Chairman" means the Chairman of the Governing Council;

ii "institute" means the Institute for Democratic and Legislative Studies;

"Rector" means the Chief Executive of the Institute;

"Party" means a political party registered under the electoral law in Nigeria and has participated in national elections.

Citation.

20. The Act may be cited as the Institute for Democratic and Legislative Studies Bill, 2007.

SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE INSTITUTE

Proceedings of the Council

1. Subject to this Act and other applicable laws, the Council may make standing orders regulating its proceedings.

2. The Council shall meet whenever summoned by the Chairman, or if required to do so by at least 4 members of the Council and shall meet 4 times a year on consultation with the Secretary of the Council who shall issue 14 days notice of meeting in writing.

3. The Chairman shall preside at the meeting of the Council but if the Chairman is absent, the members present at the meeting may appoint one of them to preside.

4. The quorum for the Council shall be formed whenever the Chairman and four (4) other members are present at a scheduled meeting. In the absence of the Chairman, six (6) members including the Secretary shall form a quorum. Decisions shall be by simple majority.

4. A Bill for an Act to Regulate the Business of Equipment Leasing in Nigeria and for Connected Purposes, 2006 (SB. 76) (*Committee of Whole*: 21/2/2007).

A BILL FOR AN ACT TO REGULATE THE BUSINESS OF EQUIPMENT LEASING IN NIGERIA AND FOR CONNECTED PURPOSES, 2006

Provisions of the Proposed Bill as Passed by the Senate

Committee of Whole

Application

1. This Act applies to all equipment lease agreements.

Equipment lease agreement.

2. (1) An equipment lease agreement shall be in writing containing —

(a) a statement to the effect that the lessor and lessee have agreed to enter into—

(f) a finance equipment lease, or

(ii) an operating lease, or

(iii) any other specified variant of either (i) or (ii) above

(b) a description of the equipment to be acquired under the lease agreement; or

- (c) the total or instrumental lease rentals payable by the prospective lessee.
- (2) if a finance equipment lease is to be entered into the written agreement shall in addition to (b) and (c) of subsection (1), contain:
 - (i) the estimated price of the equipment
 - (ii) a statement that the equipment is being acquired by the prospective lessor in connection with the lease agreement which, to the knowledge of a supplier or manufacturer, is to be made between the prospective lessor and lessee;
 - (iii) a statement as to whether or not the prospective lessee has selected the equipment, or selected the supplier or manufacturer, with or without relying on the skill and judgment of the prospective lessor;

Classification of Equipment Leasing.

3. (1) Equipment leasing is divided into three main classes:

- (a) finance lease;
 - (b) operating lease;
 - (c) other variant of either (a) (b).
- (2) Other variants of equipment leasing of either subsection 3 (a) or (b) are as follows —
- (a) Syndicated lease;
 - (b) Sale and lease back lease;
 - (c) Cross border lease;
 - (d) Leverage lease; and
 - (e) any equipment lease that may from time be approved by the Minister.

Contents of a lease Agreement

4. (1) Before a lease agreement is registered, it shall be in writing and shall contain —

- (a) a description of the equipment to which the lease agreement relates sufficient to the identify it;
 - (b) the total lease rentals payable by the lessee to lessor;
 - (c) the amount of each installment rental payable by the lessee to the lessor,
 - (d) the date or mode of determining the date on which each installment rental is payable;
 - (e) a clause that the lessee acknowledge confirms and declares that he holds the equipment as a mere bailee of the lessor and the lessee does not, during the specified period of a lease, have any proprietary right, title or interest in the equipment other than as a lessee; and
 - (f) that in termination of the lease agreement by expiry of time, unless a renewal is granted or the lessor agrees to sell the equipment to the lessee, the lessee shall deliver to the lessor the equipment in good order and condition.
- (2) if the equipment lease is a finance lease it shall in addition to the provision in subsection (1) contain the following clauses —