



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 21st November, 2006

1. The Senate met at 10:30 a.m. The Senate President read Prayers.
2. **Votes and Proceedings:**
The Senate President announced that he had examined the Votes and Proceedings of Thursday, 16th November, 2006 and approved same.

By unanimous consent, the Votes and Proceedings were adopted.

3. **Announcements:**
 - (i) The Senate President announced the presence of Members of the Nigerian Association of Physical Science Students Legislative Council, Faculty of Physical Science, University of Benin, Edo State, in the Gallery, to observe Senate proceedings.
 - (ii) The Senate President also acknowledged the presence of Students of Ladela Day Secondary School, off Gimbiya Street, Area 11, Garki-Abuja, in the Gallery, to observe Senate proceedings.

4. **Committee on Judiciary, Human Rights and Legal Matters:**
Report on the Revised Edition (LAWS of the Federation of Nigeria) Bill 2006 (SB.115):
Motion made and Question Proposed: That the Senate do receive and consider the Report of the Committee on Judiciary, Human Rights and Legal Matters, on the Revised Edition (Laws of the Federation of Nigeria) Bill 2006 (*Senator Oserheirimen A. Osumbor*).

Question put and agreed to.

Report presented and laid.

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

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

**REPORT ON A BILL FOR AN ACT TO PROVIDE FOR THE PERIODIC REVISION OF THE
LAWS OF THE FEDERATION OF NIGERIA AND FOR MATTERS CONNECTED
THEREWITH, 2006**

Clause 1: Powers of the Attorney-General of the Federation to periodically revise Laws of the Federation of Nigeria.

- (1) The Attorney - General of the Federation shall, at the expiration of a period of 10 years after the last revision of the Laws of the Federation of Nigeria or such earlier period as he may deem necessary, cause a revision exercise of **the** Laws of the Federation of Nigeria or any part thereof to be carried out in accordance with the provisions of this Act.
- (2) For the purposes of this section, the Attorney-General of the Federation shall, from time to time, by Order published in the Federal Gazette, appoint a Law Revision Committee (in this Act referred to as "the Committee") which shall consist of a Chairman and such other specified number of members to revise the Laws of the Federation of Nigeria in accordance with the provisions of this Act.

Committee's Recommendation:

Leave out the provision in Clause 1 (Senator Oserheimen A. Osunbor) — Agreed to.

Clause 2: Contents of the Revised Edition, etc:

- (1) Subject to the provisions of this section and section 3 of this Act, the revised edition shall contain -
 - (a) all Federal enactments in force on the appointed day, and all subsidiary instruments made thereunder and in force on the appointed day;
 - (b) all Federal enactments which have been enacted or promulgated but not yet brought into operation on the appointed day and ail subsidiary instruments made thereunder;
 - (c) a table of contents, a chronological table of enactments and an index.
- (2) The Committee may in its discretion retain, as if **it** were part of a Federal enactment, any portion of any enactment which is included in the revised edition, if, in its opinion, such portion (in this Act referred to as "the State Law") cannot conveniently be omitted from the revised edition, or if, in its opinion the retention of such portion would be of utility to the government of any State, notwithstanding that such portion of the enactment does not have effect as a Federal enactment.
- (3) The Committee shall, in the preparation of the revised edition, take no account of any earlier revised edition of the Laws of the Federation (including the revised edition prepared under the Revised Edition (Laws of the Federation) Act 1990 but the Committee shall proceed as if no such edition had ever been prepared.
- (4) The Committee may cause a different form of printing to be used including any electronic or digital form, so far as it is practicable, in respect of those enactments included in the revised edition which in its opinion are -
 - (a) Federal enactments;
 - *{b) State laws.
- (5) Nothing in this section shall empower the Committee to make any alteration or amendment in the matter or in the substance of any Federal enactment, without the approval of the National Assembly.

Committee's Recommendation:

Leave out the provision in Clause 2 (Senator Oserheimen A. Osunbor) — Agreed to.

Clause 3: Power of the Attorney General of the Federation to authorise omission of certain Enactments:

- (1) The Attorney-General of the Federation may by Order specify a Schedule of enactments which it shall not be necessary for the Committee to include in the revised edition upon the grounds that such enactments are -
 - (a) obsolescent; or
 - (b) of a temporary nature; or
 - (c) under revision with a view to replacement; or
 - (d) of restricted or personal application.
- (2) Enactments, omitted in accordance with subsection (1) of this section, shall have the same force and validity as if they had not been omitted in the revised edition.

Committee's Recommendation:

Leave out the provision in Clause 3 (Senator Oserheimen A. Osunbor) — Agreed to.

Clause 4: Powers of the Committee Schedule:

In the preparation of the revised edition, the Committee shall have the powers set out in the Schedule to this Act.

Committee's Recommendation:

Leave out the provision in Clause 4 (Senator Oserheimen A. Osunbor) — Agreed to.

Clause 5: Validity and operation of the Revised Edition:

- (1) The revised edition when brought into force in accordance with section 6 of this Act, shall be and be taken by all courts and for all purposes whatsoever to be the authentic edition of Federal enactments enacted on or before the appointed day.
- (2) Nothing in this section shall be construed to imply the validity of any enactment included in the revised edition where such enactment is inconsistent with the Constitution of the Federal Republic of Nigeria 1999.

Committee's Recommendation:

Leave out the provision in Clause 5 (Senator Oserheimen A. Osunbor) — Agreed to.

Clause 6: Bringing into Force of the Revised Edition:

- (1) Each volume of the revised edition shall be submitted to the Federal Executive Council as and when completed for its consideration and approval.
- (2) When the revised edition has been printed and bound, the Attorney-General may by order direct that the revised edition shall come into force on such date as he thinks fit.
- (3) One copy of each volume of the revised edition shall be dated and signed by the members of the Committee and shall be sealed with the public seal of the Federation and the copy shall be transmitted to the Chief Justice of Nigeria who shall deposit the same among the records of the Supreme court of Nigeria.

Committee's Recommendation:

Leave out the provision in Clause 6 (Senator Oserheimen A. Osunbor) — Agreed to.

Clause 7: Expenses:

The Accountant-General of the Federation shall, upon warrant addressed to him by the Minister of Finance, make payment of all expenses for and incidental to the preparation, printing and publication of the revised edition.

Committee's Recommendation:

Leave out the provision in Clause 7 (Senator Oserheimen A. Osunbor) — Agreed to.

Clause 8:

Act to be Reprinted as Introduction to the Revised Edition:

This Act or any Order for the appointment of the Committee shall be reprinted as an introduction to any of the revised edition of the Laws of the Federation of Nigeria.

Committee's Recommendation:

Leave out the provision in Clause 8 (Senator Oserheimen A. Osunbor) — Agreed to.

Clause 9:

Repeal, etc:

(1) The Revised Edition (Laws of the Federation of Nigeria) Act 1990 is hereby repealed.

(2) **The** repeal of the enactment referred to in subsection (1) of this section shall not affect anything done or purported to have been done under the repealed enactment.

Committee's Recommendation:

Leave out the provision in Clause 9 (Senator Oserheimen A. Osunbor) — Agreed to.

Clause 10:

Interpretation:

In this Act, unless the context otherwise requires -

"appointed day" means 31st day of December, 2002 for the Laws of the Federation of Nigeria 2002 and in respect of subsequent revisions any day as the Attorney-General of the Federation may appoint by Order published in the Federal Gazette;

"Committee" means the Law Revision Committee established under section 1 of this Act;

"enactment" means any provision of an Act and includes any subsidiary instrument made under such Act;

"Federal enactment" means -

(a) any enactment which is or has effect as if it were a law enacted by any Federal legislature in Nigeria with respect to any matter within its competence; and

(b) any Decree promulgated by any previous Military Government with respect to any matter whatsoever;

"the revised edition" means the revised edition of Federal enactments to be prepared under the authority of this Act;

"subsidiary instrument" means any order, rules, regulations, notices, rules of court or by-laws;

"State" means a State as provided under section 318 of the Constitution of the Federal Republic of Nigeria 1999.

Committee's Recommendation:

Leave out the provision in Clause 10 (Senator Oserheimen A. Osunbor) — Agreed to.

Clause 11:

Short Title and Commencement:

This Act may be cited as the Revised Edition (Laws of the Federation of Nigeria) Act 2004 and shall be deemed to have come into force on the 10th day of September, 2001.

Committee's Recommendation:

Leave out the provision in Clause 11 (Senator Oserheimen A. Osunbor) — Agreed to.

SCHEDULE

Section 4

POWERS OF THE COMMITTEE

1. The Committee shall have power to -
 - (a) omit all enactments which have -
 - (i) been expressly and specifically repealed,
 - or (ii) expired or have become spent, or (iii) had their full effect;
 - (b) omit all repealing enactments contained in Acts and also all tables and lists of repealed enactments, whether contained in Schedules or otherwise;
 - (c) omit all preambles to Acts where such omissions can, in the opinion of the Committee, conveniently be made;
 - (d) omit all enacting clauses;
 - (e) omit all enactments prescribing the date when an Act or part of an Act is to come into operation, where such omission can, in the opinion of the Committee, conveniently be made;
 - (f) omit all amending enactments or parts thereof where the amendments effected thereby have been embodied by the Committee in the Act which they relate;
 - (g) consolidate into one enactment any two or more enactments which are *pari materia*, making any alteration necessary thereto and affixing such date thereto as may seem most convenient;
 - (h) alter the order of any section of any enactment, and in all cases, where it may appear to be necessary to re-number any section;
 - (i) alter the form or arrangement of any section of any enactment by transferring words, by combining any such section in whole or in part with another section or other sections or by dividing it into two or more subsections;
 - (j) divide enactments whether consolidated or not, into parts of Division;
 - (k) transfer any provision contained in an enactment from the enactment to any other enactment to which the committee considers that it more properly belongs;
 - (l) arrange the enactments, whether consolidated or not, in any sequence or group that may be convenient;
 - (m) add a title to any enactment which may require it and alter the title or short title of any enactment;
 - (n) supply or alter marginal notes;
 - (o) supply or alter tables of contents;
 - (p) correct cross-references;
 - (q) shorten and simplify the phraseology of any enactment;

- (r) correct grammatical errors in any enactment and for that purpose make verbal additions, omissions or alterations not affecting the meaning of any enactment;
- (s) make such formal alterations as to names, localities, offices and otherwise as may be necessary to bring any enactment into conformity with the circumstances of any part of the Federation;
- (t) make such adaptations of or amendments to any enactment as may appear to be necessary or proper as a consequence of any change in the Constitution of the Federal Republic of Nigeria 1999; and
- (u) do all things relating to form and method which appear to the Committee necessary for the perfecting of the revised edition.

Committee's Recommendation:

*Leave out the provision in the Schedule (Senator **Oserheimen A. Osunbor**) — Agreed to.*

Chairman to report **Bill**.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Judiciary, Human Rights and Legal Matters, on the Revised Edition (Laws of the Federation of Nigeria) Bill 2006 and approved as follows:

Clauses 1 — 11 — As Recommended

Schedule — **As Recommended**

Question that the Senate do adopt the Report of the Committee of the Whole — Resolved in the Affirmative.

5. National Maritime Administration and Safety Bill 2006 (SB. 115):

Motion made and Question Proposed: That the National Maritime Administration and Safety Bill 2006 be now read the Second Time (*Senate Majority Leader*).

Debate:

Question put and agreed to.

Bill accordingly read the Second time and referred to the Committee on Marine Transport to report within four weeks.

6. Adjournment:

Motion made and Question Proposed: That the Senate do adjourn till Wednesday, 22nd November, 2006 at 10.00 a.m. (*Senate Majority Leader*).

Adjourned accordingly at 11.40 a.m.

Ken Nnamani
President of the Senate