



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Thursday, 26th January, 2006

1. The Senate met at 10: 15 a. m. The Senate President read Prayers.
2. **Votes and Proceedings:**
The Senate President announced that he had examined the Votes and Proceedings of Wednesday, 25th January, 2006 and approved same.

By unanimous consent, the Votes and Proceedings were adopted.
3. **Presentation of Bill:**
Chemical Weapons (Prohibition) Bill 2006 (SB. 276) - *Read the First Time.*
4. **Committee on Independent National Electoral Commission (INEC):**
Report of the Committee on Independent National Electoral Commission (INEC) on the Electoral Act (Amendment) Bill 2006 (SB. 153):
Motion made and Question Proposed: That the Senate do receive and consider the Report of the Committee on Independent National Electoral Commission (INEC) on the Electoral Act (Amendment) Bill 2006 (Senator David C. Brigidi).

Question put and agreed to.

Report presented and Laid.
5. **Committee on States and Local Government Administration:**
Report on National Boundary Commission Act (Amendment) Bill 2006 (SB. 96):
Motion made and Question Proposed: That the Senate do receive and consider the Report of the Committee on States and Local Government Administration on the National Boundary Commission Act (Amendment) Bill 2006 (Senator Iyabode Anisulowo).

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 of Committee on States and Local Government Administration on the National Boundary Commission Bill 2006 (SB. 96).

A BILL FOR AN ACT TO PROVIDE FOR THE REPEAL OF THE NATIONAL BOUNDARY COMMISSION, ETC. ACT 1990 AND FOR THE RE-ENACTMENT OF THE ACT TO ENLARGE THE POWERS AND FUNCTIONS OF THE COMMISSION AND FOR MATTERS CONNECTED THEREWITH

Clause 1:**Establishment of The Commission:**

- (1) There **is** hereby established a body to be known as the National Boundary Commission (**in** this Act referred to as "the Commission")
- (2) The Commission-
 - (a) shall be a body corporate with perpetual succession and a common seal;
 - (b) may sue and be sued in its corporate name; and
 - (c) may acquire, hold or dispose of any property, movable or immovable for the purpose of carrying out any of its functions under this Act.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Iyabode Anisulowo*) —*Agreed to.*

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

Clause 2:**Establishment of Zonal Liaison Offices:**

- (1) There shall be established for the Commission, Zonal Liaison Offices.
- (2) Each Zonal Liaison Office shall-
 - (a) comprise of a number of States as may be determined, from time to time by the Commission;
 - (b) be headed by a member of staff of the Commission to be known and referred to as the Zonal Liaison Officer; and
 - (c) co-ordinate the activities of the Commission in the Zones **in** addition to such other functions as may be assigned to it, from time to time, by the Commission.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senator Iyabode Anisulowo*) —*Agreed to.*

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

Clause 3:**Composition of the Commission, etc:**

- (1) **The** Commission shall consist of-
 - (a) the Vice-President of the Federation, who shall be the Chairman;
 - (b) the Attorney-General of the Federation and Minister of Justice;
 - (c) the Minister of Defence;
 - (d) the Minister of Police Affairs;
 - (e) the Minister of Foreign Affairs;
 - (f) the Minister of Internal Affairs;
 - (g) the Minister of Works and housing;

- (h) the Minister of Co-operation and Integration in Africa;
 - (i) the Minister of Economic Planning or Presidential Adviser, National Planning Commission;
 - (j) the National Security Adviser;
 - (k) Director-General National Boundary Commission who shall also be the Secretary to the Commission;
 - (l) six other members representing the six geopolitical zones to be appointed by the President from the public or private sector with recognized standing and who possess the requisite qualification, expertise and experience in boundary and border matters
 - (m) the Governor or Governors, as the case may be, who may be co-opted, when a dispute involving the State is in issue;
 - (n) any other Minister who may be co-opted from time to time, when matters affecting his area of operation arise.
- (2) The Chairman and other members of the Commission shall be part time members of the Commission;
- (3) The Members other than ex-officio members of the Commission-
- (a) shall each hold office for a period of four years on such terms and conditions as may be specified in their letter of appointment;
 - (b) may be re-appointed for one further period of four years and no more;
- (4) The supplementary provisions set out in the Schedule to this Act shall have effect with respect to the proceedings of the Commission and the other matters contained therein.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senator lyabode Anisutowo*) —*Agreed to.*

Question that Clause 3 stand part of the Bui —Agreed to.

Clause 4:

Cessation of Membership:

- (1) Notwithstanding the provisions of section 3 of this Act, a person shall cease to hold office as a members of the Commission if-
- (a) he is declared bankrupt; or
 - (b) he is convicted of a felony or any offence involving dishonesty or fraud; or
 - (c) he becomes of unsound mind or incapable of carrying out his duties arising from infirmity of the body or mind; or
 - (d) he is guilty of a serious misconduct in relation to his duties; or
 - (e) in the case of a person possessed of a professional qualification, he is disqualified or suspended from practicing his profession in any part of the world by an order of a competent authority made in respect of that member; or
 - (f) he resigns his appointment in writing addressed to the President.

- (2) If a member of the Commission ceases to hold office for any reason whatsoever, before **the expiration of the term for which he is appointed**, another person representing the same interest as that member shall be appointed to the Commission for the unexpired term.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senator Iyabode Anisutowo*) —Agreed to.

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

Clause 5:

Emoluments:

The members other than ex-officio members of the Commission shall be paid such emoluments and allowances as may be determined, from time to time, by the Revenue Mobilization, Allocation and Fiscal Commission.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senator Iyabode Anisulowo*) —Agreed to.

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

Clause 6:

Functions of the Commission:

The Commission shall-

- (a) determine, intervene and deal with any boundary disputes that may arise between Nigeria and any of her neighbours or between any two States or Local Government Areas or communities in the Federation with a view to settling the dispute;
- (b) define and delimitate boundaries between States, Local Government Areas, communities in the Federation and between Nigeria and her neighbours in accordance with delimitation instrument or document established for the purpose;
- (c) monitor trans-border relations between Federal, State and Local Governments with a view to detecting areas of tension and possible conflict.
- (d) promote trans border co-operation and border region development.
- (e) encourage negotiated settlement of border disputes in preference to litigation;
- (f) facilitate equitable utilization of shared border resources of land, water, games, forest resources, etc;
- (g) co-ordinate all activities on international boundaries;
- (h) formulate policies and programmes on international boundaries including land and maritime;
- (i) liaise with other international boundary related bodies;
- (j) advise the Federal Government on matters affecting Nigeria's border with any neighbouring country;
- (k) Critically consider any recommendations from the Technical Committees or any other committee set up by the Commission and advise the Federal Government on such recommendations
- (l) Take all necessary steps towards the implementation of resolutions on internal Boundary disputes;
- (m) Disseminate information to educate the general public on the functions of the Commission under this Act;

- (n) organize, run, operate, conduct and participate in such training courses, lectures, seminars, conferences, symposia and similar study groups which may enhance the activities of the Commission or the efficiency of any of its officers and employees;
- (o) engage in such things connected with boundary and border matters as the President may, from time to time, direct; and
- (p) initiate activities considered by the Commission to be necessary, desirable, expedient, supplementary or incidental to the performance of the functions or the exercise of the powers conferred on the Commission under this Act.

Committee's Recommendation:
That the provision in Clause 6 be retained (*Senator lyabode Anisulowo*) —Agreed to.

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

Clause 7: Establishment and Composition of the Internal Boundary Technical Committee:

- (1) There is hereby established for the Commission a body to be known as the Internal Boundary Technical Committee.
- (2) The Internal Boundary Technical Committee shall consist of-
 - (a) the Minister of Works, who shall be the Chairman;
 - (b) the Inspector-General of Police;

Amendment Proposed:
Immediately after the word "Police" *insert* the words "or his representative not below the rank of a Deputy Inspector-General of Police" (*Senator David Mark*).

Question that the amendment be made put and agreed to.

- (c) the Permanent Secretary, National Planning Commission;
- (d) the Permanent Secretary, Political Affairs Office, the Presidency;
- (e) the Permanent Secretary, Ministry of Internal Affairs;
- (f) the Solicitor-General of the Federation and Permanent Secretary, Federal Ministry of Justice;
- (g) the Surveyor-General of the Federation;
- (h) the Controller-General of Immigration;
- (i) three (3) members one of which must be a member representing one of the six geo-political zones.
- (j) the Chairman of the State Boundary Committee and the Surveyor-General in the Relevant States, who may be co-opted when Matters affecting their States arise; and
- (k) the Director-General of the Commission

Committee's Recommendation:
That the provision in Clause 7 be retained (*Senator lyabode Anisulowo*).

Question that Clause 7 as amended stand part of the Bill —Agreed to.

Clause 8: Functions of the Internal Boundary Technical Committee:

- The Internal Boundary Technical Committee shall-
- (a) deal with any internal boundary disputes with a view to settling the disputes;

- (b) define and delimitate internal boundaries in accordance with the delimitation instrument or document established for the purpose;
- (c) proffer solutions to any internal boundary problems;
- (d) promote the development and effective management of internal boundaries; and
- (e) make recommendations to the President through the Commission on boundary and border issues between States, Local Governments and communities where necessary.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senator lyabode Anisulowo*) —*Agreed to.*

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

Clause 9:

Establishment and Composition of International Boundary Committee:

- (1) There is hereby established for the Commission a body to be known as the International Boundary Technical Committee.
- (2) The International Boundary Technical Committee shall consist of-
 - (a) the Minister of Foreign Affairs, who shall be the Chairman;
 - (b) a representative of the Inspector-General of Police not below the rank of a Commissioner of Police;
 - (c) the Permanent Secretary, Ministry of Defence;
 - (d) the Permanent Secretary, Federal Ministry of Works;
 - (e) - the Solicitor-General of the Federation and Permanent Secretary, Federal Ministry of Justice;
 - (f) the Permanent Secretary, Ministry of Internal Affairs;
 - (g) the Permanent Secretary, Ministry of Co-operation and Integration in Africa;
 - (h) the Permanent Secretary, Ministry of Planning Commission;
 - (i) the Permanent Secretary, Political Affairs Office, the Presidency;
 - (j) Director-General, National Intelligence Agency;
 - (k) the Surveyor-General of the Federation;
 - (l) the Comptroller-General of Immigration.
 - (m) three members one of which must be a member representing the geo-political zone.
 - (n) the Chairman of the State Boundary Committee and the Surveyor-General in the relevant States, who may be co-opted when matters affecting their States arise; and
 - (o) the Director-General of the Commission- ■

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senator lyabode Anisulowo*) —*Agreed to.*

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

Clause 10: Functions of the International Boundary Technical Committee:

The International Boundary Technical Committee **shall-**

- (a) deal with matters affecting Nigeria on its borders with neighbouring countries including land and maritime;
- (b) participate, as may be required in the delimitation of international boundaries in accordance with the delimitation instrument or document established for the purpose;
- (c) proffer solutions to any International Boundary problems;
- (d) make appropriate recommendations to the Commission on the effective boundaries and borderlands.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senator Iyabode Anisulowo*) —*Agreed to.*

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

Clause 11: Establishment and Composition of the State and Federal Capital Territory Boundary Committees:

- (1) There shall be established by each State of the Federation and the Federal Capital Territory, Abuja a Boundary Committee.

- (2) A state Boundary Committee shall consist of-

- (a) **the** Deputy Governor of the State, who shall be the Chairman;
- (b) the Commissioner responsible for each of the following-
 - (i) survey;
 - (ii) finance and economic development;
 - (iii) information.
 - (iv) Commissioner for Local Governments

Amendment Proposed:

Leave out the words "Commissioner for" in item (iv) (*Senator Daniel Saror*),

Question that the amendment be made put and agreed to.

- (c) the Attorney-General of the State and Commissioner for Justice;
- (d) the Director, State Security Services in the State;
- (e) the Surveyor-General of the State;
- (f) the Comptroller of Immigration;
- (g) the Chairman, Council of Chiefs or Traditional Rulers in the State;

Another Amendment Proposed:

Immediately after the words "Chiefs or" in item (g) *insert* the words "the Chairman, Council of" (*Senator David Mark*).

Question that the amendment be made put and agreed to.

- (h) the Chairman or Chairmen of the Local Government Areas, who may be co-opted when matters affecting the Local Government Areas arise; and

- (i) three other persons knowledgeable in boundary and border matters three (3) representing each Senatorial District

Further Amendment Proposed:

Immediately after the word "matters" in line 1 *leave out* the words "three (3)" and **insert** "one each" instead thereof (*Senator Oserheimen O. Osunbor*).

Question that the amendment be made put and agreed to.

- (3) The Federal Capital Territory Boundary Committee shall consist of-
 - (a) the Permanent Secretary, Ministry of the Federal Capital Territory, Abuja, who shall be Chairman;
 - (b) a representative of the Attorney-General of the Federation;
 - (c) the Director responsible for each of the following in the Ministry of the Federal Capital Territory, Abuja-
 - (i) survey,
 - (ii) urban and regional planning, (iii) planning, research and statistics.
 - (d) the Commissioner of Police, Federal Capital Territory
 - (e) the Director State Security Services, Federal Capital Territory; and
 - (f) the Comptroller of Immigration Federal Capital Territory.
 - (g) Executive Secretary or equivalent;
 - (i) one other person to be appointed by the Minister of the Federal Capital Territory,
 - (ii) Chairman of Area Council who should be co-opted when matters affecting their Area Councils are involved

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senator lyabode Anisulowo*) —*Agreed to.*

Question that Clause 11 as amended stand part of the Bill —Agreed to.

Clause 12: Functions of the State and Federal Capital Territory Boundary Committees:

The State and Federal Capital Territory Boundary Committees shall each-

- (a) deal with inter and intra Local Government boundary disputes within the State and the Federal Capital Territory;
- (b) define and delimitate inter and intra Local Government Area or Area Council boundaries in instrument or document established for the purpose.
- (c) liaise with the Zonal Liaison Officer of the Commission in the State and the Federal Capital Territory;
- (d) identify and intervene in areas of potential disputes in the State and the Federal Capital Territory, Abuja;
- (e) hold meetings at least once every month to ensure maintenance of peace and order in the border areas;
- (d), liaise with the State Boundary Committees of neighbouring States with the view, of taking joint measures that shall promote good inter-community relationship;

- (g) arrange with other State Boundary Committees for joint utilization of shared Resources and facilities along their common Borders;
- (h) encourage and promote joint inter-community development ventures among border dwellers;
- (i) encourage and support peace organs within the State and Federal Capital Territory, Abuja as the case may be, for the purpose of promoting peace and harmony between communities involved in boundary disputes;
- (j) encourage the activities of Local Government Boundary Committees within the State and the Federal Capital Territory, Abuja as the case may be, and deal with disputes which cannot be settled by the Local Government Boundary Committees;
- (k) evolve measures for joint utilization of amenities along Local Government boundaries within the State and Federal Capital Territory, Abuja, as the case may be;
- (l) encourage negotiated settlement of boundary disputes in preference to litigation; and
- (m) carry out awareness and enlightenment campaigns among the people in the State and the Federal Territory, Abuja, as the case may be on the essence of boundaries fostering peace and harmony among the people living along boundary lines.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senator Iyabode Anisulowo*) —Agreed to.

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

Clause 13:

Establishment and Composition of Local Government Boundary Committee:

- (1) There shall be established by each Local Government Area in a State and each Area Council in the Federal Capital Territory, a Local Government Boundary Committee.

- (2) A Local Government Boundary Committee shall consist of-
 - (a) the Deputy Chairman of the Local Government Area, who shall be the Chairman of the Committee;

Amendment Proposed:

Leave out the word "Deputy" in line 1 and *insert* the word "Vice" instead thereof (*Senator David Mark*).

Question that the amendment be made put and agreed to.

- (b) the Supervisory Councillor for Works;
- (c) the Supervisory Councillor for Finance;
- (d) the Divisional Police Officer in the Local Government Area;
- (e) a representative of the State Security Services in the Local Government Area;
- (f) a representative of the Surveyor-General of the State;
- (g) a Local Government Council Officer of Immigration;
- (h) two Traditional Rulers, appointed by the Chairman of the Local Government; and

- (i) one other person knowledgeable in boundary and border matters, appointed by the Chairman of the Local Government.
- (j) the Head of Department of Works.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senator lyabode Anisulowo*) —*Agreed to.*

Question that Clause 13 as amended stand part of the Bill —Agreed, to.

Clause 14:

Functions of the Local Government Boundary Committee:

A Local Government Boundary Committee **shall-**

- (a) deal with inter-community boundary disputes;
- (b) **liaise** with and keep the State or the Federal Capital Territory Boundary Committee, as the case may be, informed of all boundary problems within the Local Government Area or Area Council;
- (c) hold meetings at least once every month to identify areas of potential boundary disputes and alert **the** State or the Federal Capital Territory Boundary Committee, as the case may be;
- (d) liaise with neighbouring Local Government Areas towards evolving joint programmes that shall promote peace and harmony among border dwellers;
- (e) encourage negotiated settlement of boundary disputes in preference to litigation; and
- (e) carry out awareness and **enlightenment** campaigns with the view of fostering peaceful relationship with neighbouring communities

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senator lyabode Anisulowo*) —*Agreed to.*

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

Clause 15:

The Director-General of the Commission:

- (1) There shall be for the Commission a Director-General who shall be appointed by the President.
- (2) The Director-General shall be-
 - (a) the Secretary to the Commission and the Technical Committees set up by the Commission;
 - (b) the Chief Executive and Accounting Officer of the Commission;
 - (c) responsible for the execution of the policy and day to day administration of the affairs of the Commission;
 - (d) the head of the Secretariat of the Commission.
 - (e) a person who possesses the relevant and adequate professional qualification and shall have been so qualified for a period of not less than 20 years;
- (3) The Director-General shall hold office-

Tenure of Office:

- (a) for a term of 4 years in the first instance and may be reappointed for a further term of 4 years and no more; and

(b) on such terms and conditions as may be specified in his Setter of appointment;

(4) The Director-General shall perform such other functions as may be determined by the Commission.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senator lyabode Anisulowo*) —*Agreed to.*

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

Clause 16:

Principal Officers of the Commission:

(1) The Commission shall appoint the following principal officers-

- (a) Director, Internal Boundaries Department;
- (b) Director, International Boundaries Department;
- (c) Director, Research and Policy analysis Department;
- (d) Director, Finance and Accounts; and
- (e) Director, Administration and Supplies.
- (f) Director, Legal Services

(2) The Directors appointed under subsection (1) of this section shall each have the requisite qualification and experience required for the effective performance of the functions of their respective Departments and the Commission as specified under this Act.

(3) Notwithstanding the provisions of subsection 1 of this section, the Commission shall have power to establish such additional Department as may be necessary to assist it in the performance of its duties and functions under this Act.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senator lyabode Anisulowo*) —*Agreed to.*

Clause 17:

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

Other employees of the Commission:

(1) The Commission shall appoint such officers and other employees as it may deem fit from time to time.

(2) The terms and conditions of service (including remunerations, allowance, benefits and pensions) of officers and employees of the Commission shall be as Determined by the Commission.

Remuneration (including allowances) as the Commission may, after consultation with the National Salaries and Wages Commission, determine.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senator lyabode Anisulowo*) —*Agreed to.*

Clause 18:

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

Staff Regulations:

(1) The Commission may, subject to the provisions of this Act, make staff regulations relating generally to the conditions of service of the employees of the Commission and without prejudice to the generality of the foregoing, such "■regulations may provide for-

(b) appeals by such employees against dismissals or other disciplinary measures and until such regulations are made, any instrument relating to the conditions of service of Officers in the public service of the Federation shall be applicable.

(2) Staff regulations made under subsection (1) of this section shall not have effect until approved by the Commission and when so approved the need not be published in the Federal Gazette but the Commission shall cause them to be brought to the notice of all affected persons in such manner as it may, from time to time, determine.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senator Iyabode Anisulowo*) —*Agreed to.*

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

Clause 19: Service in the Commission to be Pension able CAP 346 LFN to Check:

- (1) It is hereby declared that service in the Commission shall be approved service for the purposes of the Pensions Act and accordingly, employees of the Commission shall be entitled to pensions, gratuities and other retirement benefits as are prescribed under the Pensions Act.
- (2) Notwithstanding the provisions of subsection 1 of this section, nothing in this Act shall prevent the appointment of a person to any office on the terms which preclude the grant of a pension, gratuity or other retirement benefits in respect of that office.
- (3) For the purposes of the application of the provisions of the Pensions Act, any power exercisable by a Minister or other authority of the Federal Government, other than the Power to make regulations under section 23 of the Pensions Act, is hereby vested in and shall be exercisable by the Commission and not by other person or authority.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senator Iyabode Anisulowo*) —*Agreed to.*

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

- Clause 20:
- (1) A member of the Commission or the Director-General or any other officer or employee of the Commission shall-
 - (a) not, for his personal gain, make use of any information which has come to his knowledge in the exercise of his powers or is obtained by him in the ordinary course of his duty as a member of the Commission or as the Director-General, officer or employee of the Commission;
 - (b) treat as confidential any information which has come to his knowledge in the exercise of his powers or is obtained by him in the performance of his duties under this Act;
 - (c) not disclose any information referred to under paragraph (b) of this subsection, except when required to do so by a court or in such other circumstances as may be prescribed by the Commission, from time to time.
 - (2) Any person who contravenes the provisions of subsection (1) of this section, commits an offence and is liable to disciplinary action in accordance with the provisions of the Public Service Rule.

Amendment Proposed:

Immediately after the word "and" in line 2 *leave out* the word "is" and *insert* the words -, "shall be" instead thereof (*Senator Bode Olowopowku*).

Question that the amendment be made put and agreed to. Question that

Clause 20 as amended stand part of the Bill —Agreed to. PART VI -

FINANCIAL PROVISIONS

Clause 21:

Fund of the Commission:

- (1) There shall be established and maintained for the Commission a fund into which shall be paid and credited-
 - (a) all subventions and budgetary allocations from the Federal Government;
 - (b) such monies as may, from time to time, be granted or lent to the Commission by the Federal, State or a Local Government;
 - (c) gifts, loans, grants-in-aid from national bilateral and multilateral agencies;
 - (d) such other monies as may be received by the Commission in the course of its operations or in the relation to the exercise by the Commission of any of its functions under this Act.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senator lyabode Anisulowo*) —Agreed to.

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

Clause 22: Expenditure of the Commission:

The Commission may, from time to time, apply the proceeds of the fund established in pursuance of section 21 of this Act-

- fa)** to the cost of administration of the Commission;
- (b) to the payment of the emoluments, allowances and benefits of members of the commission or of any committee of the Commission and for such expenses as may be expressly authorized by the Commission;
- (c) to the payment of the salaries, fees or other remuneration or allowances, gratuities and pensions and other benefits payable to the offices and other employees of the Commission so however that no payment of any kind under this paragraph (except such as may be expressly authorized by the Commission ..shall be made to any person who is in receipt of emoluments from the Federal or State Government;
- (d) for the development and maintenance of any property vested in or owned by the Commission;
- (e) to publicize and promote the activities of the Commission; and
- (f) for undertaking such other activities as are connected with all or any of the functions of the Commission under this Act.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senator lyabode Anisulowo*) —Agreed to.

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

Clause 23: Annual Estimates and Accounts:

- (1) The Commission shall, not later than 30th September in each year, submit to the President an estimate of its expenditure and income (including payments to the .Commission's fund) for the next succeeding year.

- (2) The Commission shall keep proper accounts in respect of each year and proper records in relation to those accounts and shall cause its accounts to be audited by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senator Iyabode Anisuiowo*) —*Agreed to.*

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

Clause 24:

Annual Reports:

The Commission shall prepare and submit to the Federal Executive Council, through the President, not later than six months after the end of each year, a report in such form as he may direct on the activities of the Commission during the immediately preceding year and shall include in the report a copy of the audited accounts of the Commission for that year and the auditor's report on the accounts.

Committee's Recommendation:

That the provision in Clause 24 be retained (*Senator Iyabode Anisuiowo*) —*Agreed to.*

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

Clause 25:

Power to accept Gifts:

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

Committee's Recommendation:

That the provision in Clause 25 be retained (*Senator Iyabode Anisuiowo*) —*Agreed to.*

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

Clause 26:

Power to Borrow:

- (1) Commission may, from time to time, borrow by way of overdraft or otherwise such sums as it may require for the performance of its functions under this Act.
- (2) — . The Commission shall not, without the approval of the President, borrow money which exceeds at any time, the amount set by the President.
- (3) Notwithstanding the provisions of subsection (1) of this section, where the sum to be borrowed is in foreign currency, the Commission shall not borrow the sum without the prior approval of the President.

Committee's Recommendation:

That the provision in Clause 26 be retained (*Senator Iyabode Anisuiowo*) —*Agreed to.*

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

Clause 27:

Cap 49. LFN:

The Commission may, subject to the provisions of this Act and the conditions of any trust created in respect of any property, invest all or any of its funds in any security prescribed by the Trustee Investments Act or in such other securities as may, from time to time, be approved by the President.

Committee's Recommendation: That the provision in Clause

27 be retained (*Senator Iyabode Anisuiowo*) —*Agreed to.*

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

Clause 28: Exemption from Tax:

- (1) The Commission shall be exempted from the payment of income tax on any income occurring from investment made by the Commission or otherwise however.
- (2) The provisions of any enactment relating to the taxation of companies or trust funds shall not apply to the Commission.

Committee's Recommendation:

That the provision in Clause 28 be retained (*Senator Iyabode Anisulowo*) --*Agreed to.*

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

PART VII - LEGAL PROCEEDING

Clause 29: Limitation of suit against the Commission, etc, Cap 329 LFN:

- (1) Subject to the provisions of this Act, the provisions of the Public Officers Protection Act shall apply in relation to any suit instituted against any officer or employee of the Commission.
- (2) Notwithstanding anything contained in any other law or enactment, no suit shall lie or be instituted in any court of law against any member of the Commission, the Director-General or any other officer or employee of the Commission for any act done in pursuance or execution of this Act or any other law or enactment or of any public duty or authority in respect of any alleged neglect or default in the execution of this Act or such law or enactment, duty or authority unless-
 - (a) it is commenced within 3 months after the act, neglect or default complained of; or
 - (b) in the case of a continuation of damage or injury, within 6 months next after the ceasing thereof.
- (3) No suit shall be commenced against a member of the Commission, the Director-General, officer or employee of the Commission before the expiration of one month after written notice of the intention to commence the suit shall have been served upon the Commission by the intending plaintiff or his agent.
- (4) The notice referred to in subsection (3) of this section shall clearly and explicitly state the cause of action, the particulars of the claim, the name and place of abode of the intending plaintiff and the relief which he claims.

Committee's Recommendation;

That the provision in Clause 29 be retained (*Senator Iyabode Anisulowo*) —*Agreed to.*

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

Clause 30: Service of Documents:

A notice, summons or other documents required or authorized to be served upon the Commission under the provisions of this Act or any other law or enactment may be served by delivering it to the Director-General or by sending it by registered post and addressed to the Director-General at the principal office of the Commission.

Committee's Recommendation:

That the provision in Clause 30 be retained (*Senator Iyabode Anisulowo*) —*Agreed to.*

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

Clause 31: Restriction on execution against property of the Commission:

- ¹(1) In any action or suit against the Commission, no execution or attachment of process in any nature thereof shall be issued against the Commission.

- (2) Any sum of money which may be the judgment of any court be awarded against the Commission shall, subject to any direction given by court where notice of appeal of the said judgment has been given, be paid from the fund of the Commission.

Committee's Recommendation:

That the provision in Clause 31 be retained (*Senator Iyabode Anisulowo*) — *Agreed to.*

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

Clause 32:

Indemnity of Officer:

A member of the Commission or the Director-General or any officer or employee of the Commission shall be indemnified out of the assets of the Commission against any Liability incurred by him in defending any Proceeding, whether civil or criminal, if the Proceeding is brought against him in his capacity as a member, Director-General, officer or other employee of the Commission.

Committee's Recommendation;

That the provision in Clause 32 be retained (*Senator Iyabode Anisulowo*) — *Agreed to.*

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

PART VIII - MISCELLANEOUS

Clause 33:

Directives by the President etc:

The President may give to the Commission or the Director-General such directives of a general nature or relating generally to matters of policy with regard to the exercise of its **or** his functions as he may consider necessary and it shall be the duty of the Commission or the Director-General to comply with the directives or cause them to be complied with.

Committee's Recommendation:

That the provision in Clause 33 be retained (*Senator Iyabode Anisulowo*) — *Agreed to.*

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

Clause 34:

Regulations:

The Commission may, with the approval of the President, make such regulations as in its opinion are necessary or expedient for giving **full** effect to the provisions of Act and for the due administration of its provisions.

Committee's Recommendation

That the provision in Clause 34 be retained (*Senator Iyabode Anisulowo*) *Agreed to.*

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

Clause 35:

Transfer of right etc:

- (1) Accordingly, the statutory functions, rights, interests, obligations and liabilities of **the** Commission, existing before the commencement of this Act under any contract or instrument, or in law or in equity shall be virtue of this Act be (deemed to have been assigned to and vested in the Commission established by this Act.
- (2) Any such contract or instrument as is mentioned in sub section (1) of this section shall be of the same force and effect against or in favour of the Commission established by this Act and shall be enforceable as fully and effectively as **if** instead of the Commission established by this Act had been named therein or had been a party thereto.

Committee's Recommendation:

That the provision in Clause 35 be retained (*Senator Iyabode Anisulowo*) — *Agreed to.*

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

Clause 36: Repeal Cap. 238 LFN:

The National Boundary Commission, etc. Act is hereby repealed.

Committee's Recommendation:

That the provision in Clause 36 be retained (*Senator lyabode Anisulowo*) —*Agreed to.*

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

Clause 37: Obligations and Liabilities:

The Commission established by this Act shall be subject to all the obligations and liabilities to which the Commission existing before the commencement of this Act was subject to immediately before the commencement of this Act and all other persons shall have the same rights, powers and remedies against the Commission established by this Act as they had against the Commission existing before the commencement of this Act.

Committee's Recommendation:

That the provision in Clause 37 be retained (*Senator lyabode Anisulowo*) —*Agreed to.*

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

Clause 38: Pending or existing proceedings or cause of action:

Any proceeding or cause of action pending or existing immediately before the commencement of this Act by or against the Commission existing before the commencement of this Act in respect of any right, interest, obligation or liability of the Commission existing before the commencement of this Act may be continued or, as the case may be, commenced and any determination of the court of law, tribunal or other authority or person may be enforced by or against the Commission established by this Act to the same extent that such proceeding or cause of action or determination might have been continued, commenced or enforced by or against the Commission existing before the commencement of this Act.

Committee's Recommendation:

That the provision in Clause 38 be retained (*Senator lyabode Anisulowo*) —*Agreed to.*

Question that Clause 38 as recommended stand part of the Bill put and agreed to,

Clause 39: Vesting of assets:

All assets, funds, resources and other moveable or immovable property which immediately before the commencement of this Act were vested In the Commission existing before the commencement of this Act shall, by virtue of this Act and without further assurance, be vested in the Commission established by this Act.

Committee's Recommendation:

That the provision in Clause 39 be retained (*Senator lyabode Anisulowo*) ■*Agreed to.*

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

Clause 40: Holders of Office in the Former Commission to continue in the Commission:

Any person who immediately before the coming into force of this Act is the holder of any office in the Commission existing before the commencement of this Act shall on the commencement of this Act continue in office and be deemed to have been appointed to that office by the Commission established by this Act, unless the authority by which the person was appointed terminates the appointment.

Committee's Recommendation:

That the provision in Clause 40 be retained (*Senator lyabode Anisulowo*) —*Agreed to.*

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

Clause 41: Interpretation:

In this Act, Except the context otherwise requires-

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"Border" means the strip of land which straddles or lies along the corridor of a boundary, within a stipulated distance;

Question, That the meaning of the word "Border" be as defined in the Interpretation to this Act, put and agreed to.

"Boundary" means the line of demarcation which delimits the extent of administrative jurisdiction of a State and its separate constituent units;

Question, That the meaning of the word "Boundary" be as defined in the Interpretation to this Act, put and agreed to.

"Communities" means body of people living near one another and sharing the same environment and any common amenities;

Question, That the meaning of the word "Communities" be as defined in the Interpretation to this Act, put and agreed to.

"Local Government Boundary Committee" includes an Area Council boundary Committee.

Question, That the meaning of the words "Local Government Boundary Committee" be as defined in the Interpretation to this Act, put and agreed to.

"Member" means a member of the Commission and includes the Chairman of the Commission

Question, That the meaning of the word "Member" be as defined in the Interpretation to this Act, put and agreed to.

"President" means the President of the Federal Republic of Nigeria.

Question, That the meaning of the word "President" be as defined in the Interpretation to this Act, put and agreed to.

Committee's Recommendation:

That the provision in Clause 41 be retained (*Senator Iyabode Anisulowo*) —Agreed to.

Question that Clause 41 as recommended stand part of the Bill put and agreed to.

SCHEDULE _____ . — Section 3(4)

SUPPLEMENTARY PROVISIONS RELATING TO THE COMMISSION, ETC.

Proceedings of the commission

1. (1) Subject to this Act and section 27 of the Interpretation Act, the Commission may make standing orders regulating its proceedings or those of any of its committees.
- (2) The quorum of the Commission shall be the Chairman or the person presiding at the meeting and 7 other members of the Commission and the quorum of any committee of the Commission shall be determined by the Commission.

Question, That Paragraph 1 stand part of Schedule to the Bill, put and agreed to.

2. (1) The Commission shall meet not less than four times in each year and subject thereto, the Commission shall meet whenever it is summoned by the Chairman and if the Chairman is required to do so by notice given to him by not less than 4 other members, he shall summon a meeting of the Commission to be held within 28 days from the date on which the notice is given.

- (2) At any meeting of the Commission the Chairman shall preside but if he is absent, the members present at the meeting shall appoint one of their number to preside at that meeting.
- (3) Where the Commission so desires to obtain the advice of any person on a particular matter, the Commission may co-opt him to the Commission for such period as it deems fit, but a person who is in attendance by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Commission and shall not count towards a quorum.

Question, That Paragraph 2 stand part of Schedule to the Bill, put and agreed to.

Committees

- 3, (1) The Commission may appoint one or more committees to carry out, on behalf of the Commission, such functions as the Commission may determine.
- (2) A committee appointed under this paragraph shall consist of such number of persons as may be determined by the Commission and a person shall hold office on the committee in accordance with the terms of his appointment.
- (3) A decision of a committee shall be of no effect until it is confirmed by the Commission.

Question, That Paragraph 3 stand part of Schedule to the Bill, put and agreed to.

4. (1) The fixing of the seal of the Commission shall be authenticated by the signature of the Chairman, Director-General or any other person generally or specifically authorized by the Commission 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 under seal, may be made or executed on behalf of the Commission by the Director-General or any person generally or specifically authorized by the Commission to act for that purpose.
- (3) Any document purporting to be a document duly executed under the seal of the Commission shall be received in evidence and shall, unless and until the contrary is proved, be presumed to be so executed.
- (4) The validity of any proceedings of the Commission or of a committee shall not be adversely affected by-
 - (a) a vacancy in the membership of the Commission or committee; or
 - (b) a defect in the appointment of a member of the Commission or committee; or
 - (c) reason that a person not entitled to do so took part in the proceedings of the Commission or committee.

Question, That Paragraph 4 stand part of Schedule to the Bill, put and agreed to.

Clause 42: Short title:

This Act may be cited as the National Boundary Commission {Establishment, etc.) Act 2006.

Committee's Recommendation:

That the provision in Clause 42 be retained (*Senator Iyabode Anisulowo*) —Agreed to.

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

Chairman to report Bill.

{SENATE IN PLENARY}

The Senate President reported that **the** Senate in the Committee of the Whole considered the Report of the Committee on States and Local Government Administration on the Bill for an Act to Provide for the Repeal of the National Boundary Commission Act 1990 and for the Re-Enactment of the National Boundary Commission Act 2006 (to enlarge the Powers and Functions of the Commission) and for matters connected therewith and approved as follows:

Clause 1 — 6	—	As Recommended
Clause 7 — 8	—	As Amended
Clause 9 — 10	—	As Recommended
Clause 11	—	As Amended
Clause 12 — 19	—	As Recommended
Clause 20	—	As Amended
Clause 21 — 41	—	As Recommended
Clause 42	—	As Recommended
Schedule	—	As Recommended
Short Title	—	As Amended

Question, That the Report of the Committee of the Whole be adopted —Resolved in the Affirmative.

Motion made and Question Proposed: That the Bill be now read the Third Time (Senate Majority Leader).

Question put and agreed to.

BUI accordingly read the Third Time and Passed.

6. Adjournment:

Motion made and Question Proposed: That the Senate do adjourn till Tuesday, 31st January, 2006 at 10.00 a.m. *(Senate Majority Leader).*

Adjourned accordingly at 12. 50p. m.

Ken Nnamani
President of the Senate