



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Thursday, 28th September, 2006

1. The Senate met at 10:15 a.m. The Deputy Senate President read Prayers.
2. **Votes and Proceedings:**
The Deputy Senate President announced that he had examined the Votes and Proceedings of Wednesday, 27th September, 2006 and approved same.

By unanimous consent, the Votes and Proceedings were adopted.

3. **Committee on Science and Technology:**
Report on the National Information Technology Development Agency (NITDA) Bill 2006 (SB. 103):
Motion made and Question Proposed: That the Senate do receive and consider the Committee Report on the National Information Technology Development Agency (NITDA) Bill 2006 (Senator Saidu M. Dansadau).

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)

Consideration of the Report of the Committee on Science and Technology on the National Information Technology Development Agency (NITDA) Bill 2006.

NATIONAL INFORMATION TECHNOLOGY COMMISSION BILL 2006

PART I

OBJECTIVES AND ESTABLISHMENT, ETC OF THE NATIONAL INFORMATION TECHNOLOGY DEVELOPMENT AGENCY AND ITS GOVERNING BOARD.

Committee's Recommendation:

Leave out the provision in Part 1 and insert the following instead thereof:

"ESTABLISHMENT OF THE COMMISSION" (Senator Saidu M. Dansadau) ~ Agreed to.

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

- Clause 1: The objectives of this Act shall include:
- (a) the practical implementation of the Information Technology (IT) policy of the government, which is to leverage Information Technology for the technological, social and economic advancement of Nigeria;
 - (b) The use of Information Technology for purposes of Education, Poverty Eradication, Job creation, Global Competitiveness, Creation of Wealth, and for such other purposes as the Government may, from time to time determine;
 - (c) the creation of an enabling environment for software and hardware development;
 - (d) the facilitation of electronic transactions and activities including but not limited to commerce, education, health, etc.;
 - (e) the enhancement of Information Technology penetration, awareness and development of human capital in Information Technology through the re-structuring of all levels of education and organising training, workshops and specialised programmes;
 - (f) accelerating data-gathering and creation of databases for planning and developmental purposes;
 - (g) providing Universal Access for information technology penetration including rural and under-served area;
 - (h) providing for electronic governance at all levels;
 - (i) providing for public-private sector collaboration in achieving the various objectives; and
 - (j) encouraging research and development activities in achieving these objectives.

Committee's Recommendation:

Leave out the provision in Clause 1 (Senator Saidu M. Dansadau) — Agreed to.

- Clause 2: (1) There is hereby established a body to be known as the National Information Technology Development Agency (hereinafter referred to as "the Agency")

Committee's Recommendation:

Leave out the words "Development Agency" and insert the word "Commission" instead thereof (Senator Saidu M. Dansadau) — Agreed to.

- (2) The Commission shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

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

PART 11: COMPOSITION OF THE GOVERNING BOARD, POWERS AND FUNCTIONS

- Clause 3: (1) There is hereby established for the Commission, a Governing Board (in this Act, referred to as "the Board") which shall have overall control of the Agency.

Committee's Recommendation:

Leave out the word "Agency" and insert wherever it appear the word "Commission" instead thereof (Senator Saidu M. Dansadau) — Agreed to.

- (2) The Board shall consist of-(a)
a chairman;

- (b) One representative each of-
- (i) the Federal Ministry of Science & Technology;
 - (ii) the Ministry of Defence;

Committee's Recommendation:

Leave out the word " defence" and. *insert* the word "communications" instead thereof (*Senator Saidu M. Dansadau*) — *Agreed to.*

- (iii) the Federal Ministry of Education; (iv)

the Federal Ministry of Commerce;

Committee's Recommendation:

Leave out the provision in Subclause 2(iv) and *insert* the following instead thereof: "Standards Organisation of Nigeria" (*Senator Saidu M. Dansadau*) — *Agreed to.*

- (v) the Nigerian Communications Commission;

Committee's Recommendation:

Leave out the provision in Subclause 2(v) and *insert the* following instead thereof: "Nigeria Society of Engineers" (*Senator Saidu M. Dansadau*) — *Agreed to.*

- (vi) the Computer Professionals' Registration Council of Nigeria;
- (vii) the Nigerian Computer Society
- (viii) the Information Technology (Industries) Association of Nigeria,
- (ix) the Nigerian Internet Group
- (x) the Manufacturers Association of Nigeria,
- (xi) the Nigerian Association of Chambers of Commerce, Industry, Mines and Agriculture,
- (xii) Council of Registered Engineers of Nigeria,

Committee's Recommendation:

Leave out the provision in Subclauses 2(vii to xii) (*Senator Saidu M. Dansadau*) — *Agreed to.*

- (c) two persons with cognate experience in Information Technology to represent the tertiary educational system to be nominated by the Academic Staff Union of Nigerian Universities;

Committee's Recommendation:

Leave out the words "the tertiary educational system to be nominated by" and *insert* the words " and the Academic Staff Union of Polytechnics"immediately after "Universities" instead thereof (*Senator Saidu M. Dansadau*) — *Agreed to.*

- (d) two persons who have distinguished themselves in the expertise of information technology to represent public interest; and

Committee's Recommendation:

Leave out the provision in Subclause 2 (d) and insert the following instead thereof: "Six persons who shall be experts in the area of Information Technology appointed by the President from each of the six geo-political Zones of Nigeria" (*Senator Saidu M. Dansadau*) — *Agreed to.*

- (e) the Director General of the Agency.

Committee's Recommendation:

Leave out the word "Agency" and insert the words "Commission who shall be the Secretary of the Board" instead thereof (*Senator Saidu M. Dansadau*) — *Agreed to.*

- (2) The Chairman and members of the Board, other than the ex-officio members, shall be appointed by the president, on the recommendation of the Minister.
- (3) The supplementary provisions set out in the Schedule to this Act shall have effect with respect to the proceedings of the Board and the other matters mentioned therein.

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

- Clause 4: The Chairman and other members of the Board, other than ex-officio members shall each hold office-
- (a) for a term of 4 years in the first instance and may be re-appointed for a further term of 4 years and no more; and
- (b) on such terms and conditions as may be specified in his letter of appointment.

Committee's Recommendation:

That the provisions in Clause 4 be retained (*Senator Saidu M. Dansadau*) — *Agreed to.*

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

- Clause 5: (1) Notwithstanding the provisions of Section 4 of this Act, a member may at any time be removed from office by the president for inability to discharge the function of his office (whether arising from infirmity of mind or body or any other cause) or for misconduct.

Committee's Recommendation:

Leave out the provision in Subclause 5(1) and insert the following instead thereof:

4. (1) Notwithstanding the provisions of Section 3 of this Act, a member of the Board shall cease to hold office if -
- (a) he resigns his appointment as a member of the Board by notice, under his hand, addressed to the President; or
- (b) he becomes of unsound mind; or
- (c) becomes bankrupt or makes a compromise with his creditors; or
- (d) he is convicted of a felony or of any offence involving dishonesty or corruption; or
- (e) he becomes incapable of carrying out the functions of his office either arising from an infirmity of the mind or of the body; or
- (f) the President is satisfied that It is not in the interest of the Commission or of the public for the person to continue in office and notifies the member in writing to that effect (*Senator Saidu M. Dansadau*) — *Agreed to.*

- (2) A member of the Board may resign his appointment by a notice in writing under his hand, addressed to the President and that member shall, on the date of the receipt of the notice by the President cease to be a member of the Board or if the President is satisfied that it is not in the interest of the Board or in the interest of the public for the person appointed to continue in office the President may, on the recommendation of the Minister, notify the person in writing to that effect.

Committee's Recommendation:

Leave out the provision in Subclause 5(2) and *insert* the following instead thereof:

- (2) When a vacancy occurs in the membership of the Board, it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor provided that the successor shall represent the same interest as his predecessor (*Senator Saidu M. Dansadau*) — *Agreed to*.

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

Clause 6: The Chairman and members of the Board shall be paid such emoluments, allowances and benefits the Federal Government may, from time to time, direct.

Committee's Recommendation:

Renumber Clause 6 as Subclause 5(3) (*Senator Saidu M. Dansadau*) — *Agreed to*.

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

Clause 7: The Commission shall :-

Committee's Recommendation:

Insert a new subclause 1(a) as follows:

- (a) create a frame work for the planning, research, development, standardization, application, coordination, monitoring, evaluation and regulation of Information Technology practices, activities and systems in Nigeria and all matters related thereto and for that purpose, and which without detracting from the generality of the foregoing shall include providing universal access for Information Technology and systems penetration including rural, urban and under-served areas" (*Senator Saidu M. Dansadau*) — *Agreed to*.

- (a) facilitate the establishment and development of appropriate infrastructure for information technology in Nigeria both for the public and private sector, urban-rural development, the economy and the government;

Committee's Recommendations:

- (i) Before the word "facilitate" in line 1, *insert* the words "provide guidelines to"
- (ii) *Leave out* the word "Development t" in line 1, and *insert* the word "maintenance" instead thereof.
- (iii) After the word "technology" in line 2, *insert* the words "and systems application and development" (*Senator Saidu M. Dansadau*) — *Agreed to*.
- (b) encourage and accelerate the use of electronic data interchange and other forms of electronic communication transactions as an alternative to paper-based methods in government, commerce, education, the private and public sectors, labour, and other fields, where the use of electronic communication may improve the exchange of data and information;

Committee's Recommendations:

Leave out the words "encourage and accelerate" in line 1 and insert the words "develop guidelines for electronic governance and monitor" instead thereof (Senator Saidu M. Dansadau) — Agreed to.

- (c) encourage and accelerate the networking of all government departments, offices, etc;

Committee's Recommendations:

Leave out the provision in subclause 7(c) (Senator Saidu M. Dansadau) — Agreed to.

- (d) develop and monitor guidelines for the certification of digital signatures and e-commerce encryption services;

Committee's Recommendations:

Leave out the provision in subclause 1(d) and insert the following instead thereof:

"develop guidelines for the networking of public and private sector establishments" (Senator Saidu M. Dansadau) — Agreed to.

Committee's Recommendations:

Insert a new subclause 1(e) as follows and renumber subsequent subclauses accordingly:

- (e) develop guidelines for the standardization and certification of Information Technology Scrow Source Code and Object Code Domiciliation, application and Delivery Systems in Nigeria" (Senator Saidu M. Dansadau) — Agreed to.

- (f) render advisory services in all information technology matters to the public and private sectors;

set up Advisory and Technical Committee as it deems fit to advice it on standards to be set for information technology related equipments to be used in the country and other related issues;

- (g) create incentives to promote the use of information technology in all spheres of life in Nigeria including the setting up of information technology systems and knowledge parks;

Committee's Recommendation:

Insert the words "development of guidelines for" immediately after the word "the" in line 2 (Senator Saidu M. Dansadau) — Agreed to.

- (h) recommend the introduction of appropriate regulations and legislations by Government to encourage private sector investment in the information technology industry;

Committee's Recommendations:

Leave out the words "recommend the introduction of appropriate regulations and legislations by Government" and insert the words "introduce appropriate regulatory policies and incentives" instead thereof (Senator Saidu M. Dansadau) — Agreed to.

- (i) collaborate with any local or state Government, company, firm or person in any activity which in the opinion of the Commission is intended to facilitate the attainment of the objectives of this Act;

Committee's Recommendation:

Insert the words "Local or State Government" after the word "any" in line 1 (Senator Saidu M. Dansadau) — Agreed to.

- (j) encourage, undertake and participate in research and development activities;

Committee's Recommendations:

Leave out the provision in subclause l(j) (Senator Saidu M. Dansadau) — Agreed to.

Committee's Recommendations:

Insert a new subclause l(k) as follows and renumber subsequent subclauses accordingly:

- (k) determine critical areas in Information Technology requiring research intervention and facilitate Research and Development in those areas" (Senator Saidu M. Dansadau) — Agreed to.
- (l) advise the Government on ways of promoting the development of information technology in Nigeria providing appropriate information technology legislation, to enhance national security and the vibrancy of the industry; and

Committee's Recommendation:

Leave out the word "providing" in line 2 and insert the word "introducing" instead thereof (Senator Saidu M. Dansadau) ~ Agreed to.

Committee's Recommendations:

Insert a new subclause l(m) as follows:

- (m) accelerate Internet and Internet penetration in Nigeria and promote sound Internet Governance by giving effect to the 2nd Schedule of this Act; and (Senator Saidu M. Dansadau) — Agreed to.
- (n) perform such other duties which, in the opinion of the Commission, are necessary or expedient to ensure the efficient performance of the functions of the Commission under this Act.

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

Clause 8:

The Board shall have Power to :-

- (a) formulate overall policy for the management of the affairs of the Commission;
- (b) manage the National Information Technology Development Fund established under Section 11 of this Act; and

Committee's Recommendation: Insert new

Subclauses 8(c) and (d) as follows:

- (c) appoint, promote, terminate, dismiss and exercise disciplinary control over the principal officers and senior staff of the Commission
- (d) structure the Commission into such number of departments as it deems fit for the effective discharge of the functions of the Commission (Senator Saidu M. Dansadau) — Agreed to.
- (e) exercise such powers as are necessary or expedient for giving effect to the provisions of this Act.

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

PART II - STAFF AND STRUCTURE OF THE AGENCY

Clause 9:

- (1) There shall be for the Commission a Director-General who shall-
 - (a) be appointed by the President on the recommendation of the Minister;

Committee's Recommendation:

Leave out the phrase "on the recommendation of the Minister (Senator Saidu M. Dansadau) — Agreed to.

- (b) be the chief executive and accounting officer of the Commission;
- (c) be responsible for the execution of policy and the day to day administration of the affairs of the Commission; and

- (d) perform such other duties as the Board may, from time to time, assign to him.
- (2) The Director-General shall hold office for a term of 5 years in the first instance and may be re-appointed for a further term of 5 years and no more and on such terms and conditions as may be specified in his letter of appointment.
- (3) There shall be for the Agency a Secretary who shall -
 - (a) be appointed by the Board;
 - (b) be secretary to the Board but shall not be a member of the Board;
 - (c) Keep records and conduct the correspondence of the Agency; and
 - (d) perform such other duties as the Director-General may, from time to time, direct.

Committee's Recommended:

Leave out the provision in Subclause 9(3) (Senator Saidu M. Dansadau) —Agreed to.

- (4) The Commission may, subject to the approval of the Board, appoint such other staff as it may deem necessary and expedient, from time to time, for the proper and efficient discharge of the functions of the Commission.
- (5) The terms and conditions of service including remuneration, allowances, benefits and pensions of the staff and employees of the Agency shall be determined by the Agency after consultation with the Federal Civil Service Commission.

Committee's Recommended:

Leave out the words " Agency after consultation with the Federal Civil Service Commission" in line 3 and insert the words "Commission shall be determined by the Board in such a manner as to attract and retain quality and high caliber manpower" (Senator Saidu M. Dansadau) — Agreed to.

Committee's Recommendation:

Insert a new Subclause 9(5) (b) as follows:

- (b) The Board shall consider and in consultation with the National Income and Wages Commission determine and review from time to time the remunerations and allowances payable to the Commission's staff (Senator Saidu M. Dansadau) — Agreed to.

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

Clause 10:

- (1) It is hereby declared that service in the Agency shall be approved service for the purpose of the Pensions Act, and accordingly, officers and employees of the Agency shall be entitled to pensions, gratuities and other retirement benefits as are prescribed under the Pension Act. •
Committee's Recommendation:
Leave out the words "it is hereby declared that" in line 1: (Senator Saidu M. Dansadau) — Agreed to.
- (2) Without prejudice to the provisions of Subsection (1) of this section, nothing in this Act shall prevent the appointment of a person to any office on terms and conditions which preclude the grant of a pension, gratuity or other retirement benefits in respect of that office.

- (3) For the purpose 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 thereof, is hereby vested in and shall be exercisable by the Board and not by any other person or authority.

Committee's Recommendation:

That the provisions in Clause 10 be retained (*Senator Saidu M. Dansadau*) —Agreed to.

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

- Clause 11:
- (1) Subject to the provisions of this Act, the Agency may make staff regulations relating generally to the conditions of service of the staff and without prejudice to the generality of the foregoing, such regulations may provide for-
 - (a) the appointment, promotion, termination, dismissal and disciplinary control of staff or employees of the Agency; and
 - (b) appeals by staff or employees against dismissal or other disciplinary measures and until such regulations are made any instrument relating to conditions of service in the Public Service of the Federation shall be applicable, with such modifications as may be necessary, to the employees of the Agency.
 - (2) The staff regulations made under Subsection (1) of this section shall not have effect until approved by the Minister, and when so approved they need not be published in the Federal Gazette but the Agency shall cause a notice of the staff regulations to be issued to all affected staff in such manner as it may, from time to time, determine.

Committee's Recommendations:

- (i) Leave out the word "Minister" and insert the word "Board" instead thereof:
- (ii) Leave out the words "they need not be published in the Federal Gazette but" and insert the word "Commission" instead thereof (*Senator Saidu M. Dansadau*) —Agreed to.

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

- Clause 12:
- (1) Without prejudice to the provisions of Sections 9(2) and 11 of this Act, the Director-General of the Agency may be removed by President on the recommendation of the Minister and the Board.

Committee's Recommendation:

Leave out the provision in Subclause 12(1) and insert the following instead thereof: "(1) Notwithstanding the provisions of Sections 7(2) and 9 of this Act, the Director-General of the Commission may be removed by the President acting on the recommendation of the Minister" (*Senator Saidu M. Dansadau*) —Agreed to.

- (2) The Board may, with the approval of the Minister, remove the Secretary and the principal officers of the Agency from office.

Committee's Recommendation:

Leave out the provision in Subclause 12(2) (*Senator Saidu M. Dansadau*) —Agreed to.

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

- Clause 13:
- (1) The Board may, with the approval of the Minister, structure the Agency into such number of departments for the effective discharge of the functions of the Agency and without prejudice to the generality of the foregoing, the structure of the Agency shall include-

- (a) the Infrastructure and Technical Department;
- (b) the Legal and Regulatory Department;
- (c) the Planning Research and Development Department;
- (d) the Finance and Administration Department; and
- (e) the Zonal Coordination Department

Committee's Recommendation:

Transfer the provision of Subclause 13(1) as new Section 6(d) (*Senator Saidu M. Dansadau*) — *Agreed to.*

- (2) The Board shall, with the approval of the Minister, appoint principal officers not below the rank of Director in the public service of the Federation to oversee such departments established under Subsection (1) of this section.

Committee's Recommendation:

Leave out the provisions in Subclause 13(2) (Senator Saidu M. Dansadau) — Agreed to.

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

PART III -ESTABLISHMENT OF THE NATIONAL INFORMATION TECHNOLOGY DEVELOPMENT AGENCY FUND

- Clause 14:
- (1) here is hereby established a fund, which shall be known as the National Information Technology Development Fund (in this Act referred to as "the Fund")
 - (2) The Fund shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

Committee's Recommendation:

Leave out the provision in Subclause 14(2) (Senator Saidu M. Dansadau) — Agreed to.

- (3) There shall be paid and credited into the Fund established under subsection (1) of this section-
 - (a) a levy of two percent of the profit before tax of companies and enterprises enumerated in the Schedule Three to this Act with an annual turnover of N100,000,000 and above and such paid by the companies shall be tax deductible;

Amendment Proposed:

Leave out the words "two percent" and insert The words "one percent" instead thereof (Senator Abubakar D. Sodangi).

Question that the amendment be made put and agreed to.

- (b) grants-in-aid and assistance from bilateral and multilateral agencies;
- (c) all other sums accruing to the Fund by way of gifts, endowments, bequest or other voluntary contributions by persons and organisations;

Provided that the terms and conditions attached to such gifts, endowments, bequest or contributions are not inconsistent with the aims and objectives of the Agency; and

Committee's Recommendation:

Leave out the words "are not inconsistent with the aims and objectives of the Agency" and insert the words "will not jeopardize the functions of the Commission" instead thereof (Senator Saidu M. Dansadau) — Agreed to.

*Committee's Recommendation:**Insert a new Subclause 14(3)(d) as follows:*

- (d) 10% of import duties collected by the Nigerian Customs Service on Information Technology systems excluding Completely Knocked Down components (CKDs) (*Senator Saidu M. Dansadau*).

*Amendment Proposed:**Leave out the provision in Subclause 14(3) (d) (Senator Daniel Saror).**Question that the amendment be made put and agreed to.**Committee's Recommendation:**Insert a new Subclause 14(3)(e) as follows:*

- (e) such monies as may be appropriated for the Fund by the National Assembly in the annual budgetary allocation under the Appropriation Act (*Senator Saidu M. Dansadau*).

*Amendment Proposed:**Leave out the words "in the annual budgetary allocation under the Appropriation Act" (Senator Dalhatu S. Tafida).**Question that the amendment be made put and agreed to.*

- (f) all other monies or assets that may, from time to time, accrue to the Fund.

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

- Clause 15:
- (1) There is hereby established for the Fund a Board of Trustees comprising the following members, that is-
 - (a) a Chairman who shall be appointed by the Minister on the recommendation of the Director-General of the Agency and the Chairman shall be a person having national and international recognition and respect;
 - (b) one representative each of -
 - (i) the Federal Ministry of Science and Technology,
 - (ii) the Federal Ministry of Finance,
 - (iii) the Manufactures Association of Nigeria,
 - (iv) the Nigerian Association of Chambers of Commerce, Industry, Mines and Agriculture;
 - (c) one person to represent the academia to be nominated by the Committee of Vice- Chancellors and
 - (d) Director-General of the who shall also be the secretary to the Board of Trustees of the Fund.
 - (2) The Chairman and members of the Board of Trustees, other than the Secretary, shall hold office for a term of 3 years and may be reappointed for a further term of 3 years and no more.
 - (3) The Board of Trustees may appoint, either directly or from any of the public service of the Federation, such number of staff or officers as employees of the Fund to assist the Secretary to the Board of Trustees in his functions under this Part of this Act.
 - (4) The remunerations and tenure of office of the employees of the Fund shall be determined by the Board of Trustees after consultation with the Federal Civil Service Commission.

Committee's Recommendation:

Leave out the provision in Clause 15 (Senator Saidu M. Dansadau) — Agreed to.

- Clause 16: The Board of Trustees of the Fund shall-
- (a) monitor and ensure the collection and payment into the Fund, the levy or tax imposed under Section 14 of this Act;
 - (b) collect all other monies accruing to the Fund and ensure that such monies are paid into the account of the Fund;
 - (c) manage and disburse the money standing to the Funds for:-
 - (i) research, development, production and other activities necessary for the attainment of the objectives of this Act,
 - (ii) grants, scholarships and awards for specialised training and capacity building in information technology for Nigerians both within and outside the country,
 - (iii) commercialization, publication and promotion of research results of locally manufactured capital goods for adoption by the industry,
 - (iv) receive requests and, after due consideration, approve projects relevant for information technology development in Nigeria,
 - (v) monitor and evaluate the execution of such projects,
 - (vi) serve as an intervention fund and or counterpart funding for information technology development activities; and
 - (d) undertake any other activity or function in connection with all or of the objectives of this Act.

Committee's Recommendation:

Leave out the provision in Clause 16 (Senator Saidu M. Dansadau) — Agreed to.

- Clause 17: All monies accruing to the Fund and the accounts of the Agency from the sources specified in Section 11 and 17 of this Act respectively shall be exempted from income tax and all contributions to the Fund shall be tax deductible.

Committee's Recommendation:

Immediately after the word "Fund" in lines 1 and 3 insert the words "and the accounts of the Commission" (Senator Saidu M. Dansadau) — Agreed to.

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

- Clause 18: The Board of Trustees of the Fund may, with the approval of the Minister and in accordance with the Investments Trustees Act, invest any surplus funds in profit yielding ventures through joint venture, partnership, shareholding as the case may be and the net incomes so generated shall be paid into the Fund.

Committee's Recommendations:

- (i) *Leave out the words "of Trustees of the Fund" and "with the approval of the Minister and" in line 1 (Senator Saidu M. Dansadau) — Agreed to.*
- (ii) *Leave out the words "through joint venture partnership, shareholding as the case may be" and the word "Fund" in lines 2 and 4 respectively (Senator Saidu M. Dansadau) — Agreed to.*

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

- Clause 19: (1) The Secretary to the Board of Trustees shall keep proper records of the accounts, sources and use of the monies and assets of the Fund and shall render to the Board of Trustees, from time to time.

Committee's Recommendations:

(i) *Leave out* the words "Secretary to the Board of Trustees" in line 1 and *insert* the words "Director-General of the Commission" instead thereof (Senator Saidu M. Dansadau) — *Agreed to.*

(ii) *Leave out* the words "of Trustees" in line 3 (Senator Saidu M. Dansadau) — *Agreed to.*

- (2) The account of the Fund shall be audited not later than 3 months after the end of the year to which it relates by auditors appointed by the Board of Trustees from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.

Committee's Recommendation:

Leave out the words "of Trustees" in line 3 (Senator Saidu M. Dansadau) — *Agreed to.*

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

- Clause 20:
- (1) The Federal Inland Revenue Service shall assess and collect the levy imposed under Section 14 of this Act.
 - (2) The Federal Inland Revenue Service shall, while assessing any company for either company income tax or Petroleum profit tax for an accounting period of the company, also assess such company for the levy or tax due under this Act.
 - (3) The levy imposed under section 14 of this Act shall be due and payable within 60 days after the Federal Inland Revenue Service has served notice of the assessment on a company in such form as the Federal Inland Revenue Service may, from time to time, determine.
 - (4) Where a levy due under Section 11 of this Act is not paid within the time specified in that section, the Federal Inland Revenue Service shall serve on the company, a demand note for the unpaid tax plus a sum which is equal to 5 percent of the levy.
 - (5) Any Company that, within two months of the demand note, fails to pay the levy commits an offence and shall on conviction be liable to a fine of N1,000,000 and every Director, Manager, Secretary or Partner or any Officer of the Company, shall be severally liable to be prosecuted against and punished for the offence in like manner as if he had himself committed the offence, unless he proves that the act or omission constituting the offence took place without his knowledge, consent or connivance.

Committee's Recommendation:

Leave out the provision in Subclause 20(5) and *insert* a new provision as follows: "(5) Any Company, Agency or Organisation that fails to pay the levy or the import duty imposed under Section 11 of this Act commits an offence and on conviction shall be liable to a fine of not less than N1,000,000 and the Chief Executive Officer of the Company, Agency or Organisation shall be liable to be prosecuted and punished for the offence in like manner as if he had himself committed the offence, unless he proves that the act or omission constituting the offence took place without his knowledge, consent or connivance" (Senator Saidu M. Dansadau) — *Agreed to.*

- (6) The institution of proceedings or imposition of a penalty under this Act shall not relieve a company from liability to pay to the Federal Inland Revenue Service such levy or levies that may become due under this Act.

Committee's Recommendation:

Immediately after the word "Company" in line 2 *insert* the words "or Organisation" (Senator Saidu M. Dansadau) — *Agreed to.*

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

- Clause 21:
- (1) Except as otherwise provided in this Act, any person or body corporate who contravenes or fails to comply with the provisions of this Act commits an offence.
 - (2) Where a body corporate fails to make payment within two months after a demand note for unpaid levy plus a sum which is equal to 5 per cent of this levy has been served on the body corporate, the body corporate commits an offence under this Act.
 - (3) Where an offence under this Act is committed by a body corporate or firm or other association of individuals -
 - (a) every director, manager, secretary or other similar officer of the body corporate;

Committee's Recommendation:

Leave out the provision in Subclause 21 (3) (a) and *insert* a new Subclause as follows:

"(a) Every Chief Executive Officer of the body corporate or any officer acting in that capacity or on his behalf of the body corporate" (Senator Saidu M. Dansadau) — *Agreed to.*

(b) every partner or officer of the firm

Committee's Recommendation:

Leave out the provision in Subclause 21(3) (b) and *insert* a new Subclause as follows:

(c) Every person purporting to act in any capacity mentioned in (a) above commits an offence, unless he proves that the act or omission constituting the offence took place without his knowledge, consent or connivance" (Senator Saidu M. Dansadau) — *Agreed to.*

every person concerned in the management of the affairs of the association; and

(d) every person who was purporting to act in any of the capacities mentioned in this subsection, commits an offence and shall be

proceeded against as if he had himself committed the offence, unless he proves that the act or omission constituting the offence took place without his knowledge, consent or connivance.

Committee's Recommendation:

Leave out the provisions in subclauses 21(3) (c) and (d) (Senator Saidu M. Dansadau) — *Agreed to.*

Committee's Recommendation:

Insert new subclauses 21(4) and (5) as follows:

- (4) Where a person or body corporate fails to comply with the guidelines and standards prescribed by the Commission in the discharge of its duties under this Act, such person or body corporate commits an offence
- (5) The Commission shall collaborate with the Standards Organisation of Nigeria to enforce the guidelines and standards formulated by the Agency in the discharge of its duties under the Act (Senator Saidu M. Dansadau) — *Agreed to.*

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

- Clause 22:
- (1) Except as otherwise provided in this Act, any body corporate or person who is found guilty of an offence under this Act and where no specific penalty is provided, shall be liable on conviction -
 - (a) for a first offence, to a fine of N200,000 or imprisonment for a term of 3 years or to both such fine or imprisonment; and
 - (b) for a second and subsequent offences, to a fine of N500,000 or to imprisonment for a term of 5 years or to both such fine and imprisonment.
 - (2) The institution of proceedings or imposition of a penalty under this Act shall not relieve a body corporate from liability to pay to the Federal Inland Revenue Service such levy or tax which or may become due under this Act.

Committee's Recommendation:

That the provisions in Clause 22 be retained (*Senator Saidu M. Dansadau*) — *Agreed to.*

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

PART IV — INFORMATION TECHNOLOGY PARKS

- Clause 23:
- (1) Subject to this Act, the Minister shall by Order, designate and facilitate the establishment of Information Technology Parks (in this Act referred to as "the Parks") all over the Country.

Committee's Recommendation:

Leave out the word "Minister" and *insert* the word "Board" instead thereof: (*Senator Saidu M. Dansadau*) — *Agreed to.*

- (2) Upon application made in that behalf by the Minister, through the Board charged with responsibility for matters relating to Commerce, the President may by Order designate the Parks as Free Zones and may specify in the Order such incentives and/or tax holidays that enterprises engaged in the Parks may enjoy.

Amendment Proposed:

Leave out the words "and/or" and *insert* the word "including" (*Senator Oserheimen Osunbor*).

Question that the amendment be made put and agreed to.

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

- Clause 24:
- (1) The approved enterprises or firms engaged in information technology within the Parks designated or established under Section 20 of this Act shall be entitled to -
 - (a) pioneer status that guarantees such enterprises or firms tax exemption for a period of 5 years;
 - (b) export incentives as provided in the Export Processing Zones Act or any other enactment for the time being in force; and
 - (c) such other incentives that may be specified by the Government of the Federation, from time to time.
 - (2) The incentives provided under Subsection (1) of this section shall apply to all approved enterprises or firms as may be designated from time to time by the Minister on the recommendation of the Agency and in consultation with the Minister charged with responsibility for Commerce.

- (3) Any provisions of any enactment in respect of taxes, levies and tariffs shall not apply to all approved enterprises or firms, designated in accordance with the provisions of Section 23 of this Act, operating both within and outside the Parks.

Committee's Recommendation:

Leave out the provisions in Clause 24 (Senator Saidu M. Dansadau) — Agreed to.

PART V - FINANCIAL PROVISIONS

- Clause 25: The Commission shall establish and maintain an account into which shall be paid and credited -
- (a) all subventions and budgetary allocations from the Federal Government;
 - (b) gifts, loans, grants-in-aid from national, bilateral and multilateral organisations and agencies;
 - (c) rents, fees and other internally generated revenues from services provided by the Agency: and
 - (d) all other sums accruing to the Agency from time to time.

Committee's Recommendation:

That the provisions in Clause 25 be retained (*Senator Saidu M. Dansadau*) — *Agreed to.*

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

- Clause 26: The Commission may, from time to time, apply the proceeds of the Fund established under Section 18 (a) of this Act -
- (a) to the cost of administration of the Commission;
 - (b) to the payment of the emoluments, allowances and benefits of members of the Board and for reimbursing members of the Board or of any committee set up by the Board and for such expenses as may be expressly authorized by the Boards;
 - (c) to the payment of the salaries, fees or other remuneration or allowances gratuities and pensions, and other benefits payable to the staff-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 Board) shall be made to any person who is in receipt of emoluments from the Government of the Federation or of a State;
 - (d) for the development and maintenance of any property vested in or owned by the Commission;
 - (e) for maintaining general financial reserves subject to general or special directive that may be given in that behalf by the Minister in accordance with the provisions of this Act; and
 - (f) for and in connection with all or any of its functions under this Act.

Committee's Recommendation:

Leave out the words "for and" and insert the words "to any other expenditure" instead thereof (Senator Saidu M. Dansadau) — Agreed to.

- (g) to any other expenditure in connection **with** all or any of its functions under this Act.

Committee's Recommendations: Insert new Subclauses 26 (2) and (3) as follows:

- (2) Proceeds from the funds established under Section 18(b) shall be applied for the purposed which such gifts, loans or grants-in-aid were made.

- (3) Proceeds from the funds established under Section 18 (c) and (d) shall be remitted to the Treasury of the Federal Government (*Senator Saidu M. Dansadau*) — *Agreed to.*

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

- Clause 27: (1) The Commission shall, not later than 30th September in each year, submit to the Minister an estimate of its expenditure and income (including payments to the Commission fund) for the next succeeding year.

Committee's Recommendation:

Leave out the word "Minister" and insert the word "National Assembly" instead thereof:

- (2) The Commission shall, not later than 30th September in each year, submit to the National Assembly an estimate of its expenditure and income (including payments to the Commission fund) for the next succeeding year (*Senator Saidu M. Dansadau*).

Amendment Proposed:

*Leave out the word "National Assembly" and insert the word "Minister" instead thereof (*Senator Umaru. Dahiru*).*

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

- (3) 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 within six months after the end of each year by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.

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

- Clause 28: (1) The Commission shall prepare and submit to the Minister not later than 30th June in each year a report in such form as Minister 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 of the auditor's report thereon.

Committee's Recommendation:

*Leave out the word "Minister" and insert the word "President" instead thereof (*Senator Saidu M. Dansadau*).*

Amendment Proposed:

*That the original provision of the Bill be retained (*Senator Saleh Danboyi*).*

Question that the amendment be made put and agreed to.

- (2) The Minister shall cause a copy of the Report and the auditor's report thereon to be submitted to the President so soon after the receipt thereof.

Committee's Recommendation:

*Leave out the provision in Subclause 28(2) (*Senator Saidu M. Dansadau*) — *Agreed to.**

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

- Clause 29: (1) The Commission may accept gift of land, money or other property on such terms and conditions, if any, as may be specified by the person or organization making the gift.
- (2) The Commission shall not accept any gift if the conditions attached by the person or organization making the gift are inconsistent with the objectives of the Commission under this Act.

Committee's Recommendation:

Leave out the word "objectives" in line 2 and insert the word "functions" instead thereof (Senator Saidu M. Dansadau) — Agreed to.

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

- Clause 30: The Agency 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 Minister.

Committee's Recommendation:

Leave out the provision in Clause 30 and insert a new Clause 30 as follows:

The Commission may, in accordance with the general authority given by the National Assembly, borrow such sums of money as the Commission may require in the exercise of its functions under this Act or its subsidiary legislation (Senator Saidu M. Dansadau).

Amendment Proposed:

Leave out the words "in accordance with the general authority given by the National Assembly" and insert the words "subject to the approval of the Minister" instead thereof (Senator Umaru Dahiru).

Question that the amendment be made put and agreed to.

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

- Clause 31: (1) The Commission shall be exempted from the payment of income tax on any income accruing from investments made by the Board or otherwise howsoever.
- (2) The provisions of any enactment relating to the taxation of companies or trust funds shall not apply to the Commission or the Board.

Committee's Recommendation:

That the provisions in Clause 31 be retained (Senator Saidu M. Dansadau) — Agreed to.

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

PART VI — LEGAL PROCEEDINGS

- Clause 32:- (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 member or officer or employee of the Agency.
- (2) Notwithstanding anything contained in any other law or enactment, no suit against a member of the Board, the Director-General or any other officer or employee of the Board, for any act done in pursuance or execution of this Act or any other law or enactment, or of any public duties or authority or in respect of any alleged neglect or default in the execution of this Act or any other law or enactment, duties or authority, shall lie or be instituted in any court unless it is commenced:
- (a) within three months next after the act, neglect or default complained of; or

Amendment Proposed:

Leave out the word "three" in Subclause 32 (2)(a) and insert the word "six" instead thereof (Senator Oserheimen A. Osunbor).

Question that the amendment be made put and agreed to.

- (b) in the case of a continuation of damage or injury, within six months after the ceasing thereof.

- (3) No suit shall be commenced against a member of the Board, the Director-General or any other officer or employee of the Agency before the expiration of a period of one month after written notice of the intension to commence the suit shall have been served on the Agency by the intending plaintiff or his agent.
- (4) The notice referred to in Subsection (3) of this section shall clearly and explicitly state -
- (a) the cause of action;
 - (b) the particulars of the claim;
 - (c) the name and place of abode of the intending plaintiff; and
 - (d) the relief which he claims

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

Clause 33:

A notice, summons or other document required or authorized to be served on 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 addressed to the Director-General at the principal office of the Commission.

Committee's Recommendation:

That the provisions in Clause 33 be retained (*Senator Saidu M. Dansadau*) —*Agreed to.*

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

Clause 34:

- (1) In any action or suit against the Commission, no execution or attachment of process in the nature thereof shall be issued against the Commission unless not less than three months notice of the intention to execute or attach has been given to the Agency.
- (2) Any sum of money which by the judgment of any court has been awarded against the Commission shall, subject to any direction given by the court, where no notice of appeal against the judgment has been given, be paid from the fund of the Commission.

Committee's Recommendation:

That the provisions in Clause 34 be retained (*Senator Saidu M. Dansadau*) —*Agreed to.*

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

Clause 35:

A member of the Board, 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 provisions in Clause 35 be retained (*Senator Saidu M. Dansadau*) —*Agreed to.*

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

PART VII - MISCELLANEOUS

Clause 36:

The Minister may give to the Commission or the Director-General such directives of a general nature or relating generally to matters of policy with regards 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 provisions in Clause 36 be retained (*Senator Saidu M. Dansadau*) — *Agreed to.*

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

Clause 37: The Minister may, on the advise of the Board, make such regulations as in his opinion are necessary or expedient for giving full effect to the provisions of this Act and for the due administration of its provisions.

Committee's Recommendation:

Leave out the words "Minister and on the advise of the Board" in line 1 and insert the words "Board" and "its" respectively instead thereof (*Senator Saidu M. Dansadau*) — *Agreed to.*

Committee's Recommendation:

That the provisions in Clause 37 be retained (*Senator Saidu M. Dansadau*) — *Agreed to.*

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

Committee's Recommendation:

Insert a new Clause 38 as follows and renumber subsequent Clauses accordingly:

Clause 38: TRANSITION PROVISIONS

(1) The National Information Technology Commission is the successor-in-title in every way to the powers, duties and functions of the former National Information Technology Development Agency:

- (a) All existing contracts, agreements and compacts currently in effect by the National Information Technology Development Agency continue in effect
- (b) All existing contracts currently in effect by the National Information Technology Development Agency continue in effect
- (c) Any positions authorized and allocated subject to the personnel laws of the former national Information Technology Development Agency are transferred to the National Information Technology Commission
- (d) All records, property and equipment previously belonging to or allocated for use of the former National Information Technology Development Agency become, on the effective date of this Act, part of the Property of the National Information Technology Commission
- (e) All existing forms, licences, letterheads and similar items bearing the name of or referring to the "National Information Technology Development Agency" may be utilized by the National Information Technology Commission until existing supplies of those items are exhausted.

(2) **POWER TO MAKE RULES**

The Board may make rules and develop other guidelines, not inconsistent with this Act, for the general and efficient conduct of the functions of the Commission (*Senator Saidu M. Dansadau*) — *Agreed to.*

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

Clause 38: In this Act, unless the context otherwise requires -

"Commission" means the National Information Technology Commission established under Section 1 of this Act;

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

"Board" means the Governing Board of the Commission established under Section 2 of this Act;

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

"computer" means any electronic device or computational machinery using programmed instructions which has one or more of the capabilities of storage, retrieval, memory, logic, arithmetic or communication and includes all input, output, processing, storage, software, or communication facilities which are connected or related to such a device in a system or network or control functions by the manipulation of signals, including electronic, magnetic or optical, and shall include any input, output, data storage, processing or communication facilities directly related to or operating in conjunction with any such device or system or computer network;

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

"computer network" means the interconnection of one or more computers through -

- (a) the use of cable, satellite, microwave, terrestrial line or other communication media, and
- (b) terminals or a complex consisting of two or more interconnected computers whether or not the interconnection is continuously maintained;

Question, That the words "Computer network" be as defined in the Interpretation to this Act, put and agreed to.

"computer resource" includes computer, computer system, computer network, computer data base and software;

Question, That the words "Computer resource" be as defined in the Interpretation to this Act, put and agreed to.

"computer system" means a device or collection of devices, including input and output support devices and excluding calculators which are not programmable and capable of being used in conjunction with external files, which contain computer programmes, electronic instructions, input data and output data, that performs logic arithmetic, data storage and retrieval, communication control and other functions;

Question, That the words "Computer system " be as defined in the Interpretation to this Act, put and agreed to.

"data" means a representation of information, knowledge, facts, concepts or instruction which are being prepared or have been prepared in a formalised manner, and is intended to be processed, is being processed or has been processed in a computer system or* computer network, and may be in any form (including computer printout, magnetic or optical storage media, punched cards, punched tapes) or stored internally in the memory of the computers;

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

"Director-General" means the Director-General of the Commission appointed under Section 7 of this Act;

Question, That the words "Director-General" be as defined in the Interpretation to this Act, put and agreed to.

"electronic form" with reference to information means any information generated, sent, received or stored in media, magnetic, optical, computer memory, micro film, computer generated, micro fiche or similar device;

Question, That the words "electronic form" be as defined in the Interpretation to this Act, put and agreed to.

"Electronic record" means data, record or data generated, image or sound stored, received or sent in an electronic for or micro film or computer generated micro fiche;

Question, That the words "Electronic record" be as defined in the Interpretation to this Act, put and agreed to.

"Government" means the Federal Government of Nigeria;

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

"information technology" encompasses all forms of technology used to create, store, exchange and use information in its various forms (business data, voice, conversation, still images, motion pictures, multimedia presentations and other forms including those not yet conceived)

Question, That the words "information technology" be as defined in the Interpretation to this Act, put and agreed to.

"Minister" means the Minister charged with the responsibility of matters relating to science and technology

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

"software" includes any program, procedure and associated documentation concerned with the operation of a computer system.

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

Committee's Recommendation:

That the provisions in Clause 38 be retained (Senator Saidu M. Dansadau) —Agreed to.

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

Clause 39:

Short Title

This Act may be cited as the National Information Technology Development Agency Act 2002.

Committee's Recommendations:

(i) Leave out the words "Development Agency", and insert the word "Commission" instead thereof:

(ii) Leave out the word "2002", and insert the word "2006" instead thereof (Senator Saidu M. Dansadau) — Agreed to.

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

SCHEDULE THREE

Section 2 (3)

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

Paragraph 1:

Proceedings of the Board:

1. Subject to this Act and Section 27 of the Interpretation Act (which provides for decisions of a statutory body to be taken by a majority of its members and for the person presiding at any meeting, when a vote is ordered, to have a second or casting vote), the Board may make standing orders regulating its proceedings or that of any of its committees.
2. At every meeting of the Board, the Chairman shall preside and in his absence the members present at that meeting shall appoint one of their number to preside at that meeting.
3. The quorum at a meeting of the Board shall be not less than one-third of the total number of the Board members at the date of the meeting.
4. The Board shall for the purposes of this Act, meet not less than four times in each year and subject, thereto, the Board shall meet whenever it is summoned by the Chairman, and if required to do so by notice given to him by not less than 1/3 of members, he shall summon a meeting of the board to be held within fourteen days from the date in which the notice is given.
5. Where the Board desires to obtain the advise of any person on any particular matter, the board may co-opt him to the board for such period as it thinks fit, but a person who is a member by virtue of this paragraph shall not be entitled to vote at any meeting of the board and shall not count towards a quorum.

*Paragraph 1:**Committee's Recommendation:*

That the provisions of Paragraph 1 be retained (*Senator Saidu M. Dansadau*) — *Agreed to.*

Question, That Paragraph 1 (Proceedings of the Board) stand part of the Bill, put and agreed to.

Paragraph 2:

Committees

6. (1) Subject to its standing orders, the board may appoint such number of standing or ad hoc committees as it thinks fit to consider and report on any matter with which the Board is concerned.
- (2) A committee appointed under this paragraph shall -
 - (a) consists of such number of persons (not necessarily members of the Board as may be determined by the Board) and a person, other than a member of the Board, shall hold office on the committee in accordance with the terms of his appointment; and
 - (b) be presided over by a member of the Board.
- (3) The quorum of any committee set up by the Board shall be its quorum as provided under Section 3 of this Schedule.
- (4) The decision of any committee of the Board shall constitute a recommendation to the Board.

*Paragraph 2:**Committee's Recommendation:*

That the provisions of Paragraph 2 be retained (*Senator Saidu M. Dansadau*) — *Agreed to.*

Question, That Paragraph 2 (Committees) stand part of the Bill, put and agreed to.

Paragraph 3:

Miscellaneous

7. The fixing of the Seal of the Agency shall be authenticated by the signature of the Chairman or any other person generally or specifically authorised by the Board to act for that purpose and that of the Director-General.
8. Any contract or instrument which if made by a person not being a body, corporate, would not be required to be under seal may be made or executed on behalf of the Board by the Director-General or any other person generally or specifically authorized by the Board to Act for that purpose.
9. Any document purporting to be contract, instrument or other document duly signed or sealed on behalf of the Agency shall be received in evidence and shall, unless the contrary is proved, be presumed without further proof to have been so signed or sealed.
10. The validity of any proceedings of the Board or any of its committees shall not be affected by-
 - (a) any vacancy in the membership of the Board, or committee; or
 - (b) any defect in the appointment of a member of the Board or committee; or
 - (c) reason that any person not entitled to do so took part in the proceedings of the Board or committee.
11. A member of the Board or a committee who has a personal interest in any contractor arrangement entered into or proposed to be considered by the Board or committee shall forthwith disclose his interest to the Board or committee and shall not vote on any question relating to the contract or arrangement.
12. No member of the Board shall be personally liable for any act or omission done or made in good faith while engaged in the business of the Board.

*Paragraph 3:**Committee's Recommendation:*

That the provisions of Paragraph 3 be retained (*Senator Saidu M. Dansadau*) — *Agreed to.*

Question, That Paragraph 3 (Miscellaneous) stand part of the Bill, put and agreed to.

Paragraph 4:**SECOND SCHEDULE****Section 5 (1)**

SUPPLEMENTARY PROVISIONS RELATING TO THE SUPERVISION OF THE MANAGEMENT OF THE COUNTRY CODE TOP LEVEL DOMAIN (NG) ON THE INTERNET

1. Subject to the provisions of this Act, the Commission shall advise the Federal Government generally on matters and issues that are related to the management and administration of Nigeria's country code top level domain (.ng).
2. The Commission shall have supervisory authority over any organization incorporated under the laws of Nigeria to manage and administer Nigeria's country code top level domain (.ng) including but not limited to the following.
 - (a) approve the constitution of the management of any such organization created to carry out the acts mentioned in Section 2 (1) of this Schedule;
 - (b) lay down standards which shall ensure that the membership of the organization when viewed collectively is broadly representative of the stakeholders of the ICT community in the country
 - (c) outline an operational rule for the organization which shall include but not limited to the following:
 - (i) the creation of any departments of the organization to perform specialized functions;

(ii) the establishment and functioning of committees including a management board

- (iii) the preparation by the organization of an annual business plan in terms of which the activities of the organization are planned annually
 - (iv) the determination through arbitration of any dispute concerning the interpretation of the memorandum and articles of association of the organization
 - (v) the procedures and criteria for the establishment of second level domains and for delegations to such domains
 - (vi) the domain name dispute resolution and related appeal mechanisms
 - (vii) criteria for the qualification of and appointment of Domain Name registrars and Domain Name Hosts.
3. The Commission shall ensure that the activities of the organization comply with international best practice in the administration of country code top level domains.

Paragraph 4:

Committee's Recommendation:

That the provisions of Paragraph 4 be retained (*Senator Saidu M. Dansadau*) — *Agreed to.*

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

Paragraph 5:

THIRD SCHEDULE

BUSINESSES WHICH SECTION 11 (2) (a) REFERS TO.

GSM Service Providers and all Telecommunications companies

1. Cyber Companies and Internet Providers
2. Pensions Managers and pension related companies
3. Banks and other Financial Institutions
4. Insurance Companies

Paragraph 5:

Committee's Recommendation:

That the provisions of Paragraph 5 be retained (*Senator Saidu M. Dansadau*) — *Agreed to.*

Question, That Paragraph 5 stand part of the Bill, put and 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 Science and Technology on the National Information Technology Commission (NITD A) Bill 2006 and approved as follows:

*

Clauses 1 — 13	—	As Recommended
Clause 14	—	As Amended
Clauses 15 — 22	—	As Recommended
Clause 23	—	As Amended
Clauses 24 — 26	—	As Recommended

Clause 29	—	As Recommended
Clause 30	—	As Amended
Clause 31	—	As Recommended
Clause 32	—	As Amended
Clauses 33-39	—	As Recommended
Schedules 1 - 3	—	As Recommended
Title	—	As Recommended

Question: That the Report of the Committee of the Whole be approved — *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.

Bill accordingly read the Third Time and passed.

4. Institute of Chartered Economists of Nigeria (Establishment, etc) Bill 2006 (SB. 316):

Consideration of Bill deferred to a later date.

5. **Adjournment:**

Motion made and Question Proposed: That the Senate do adjourn sitting till Tuesday, 3rd October, 2006 at 10.00 a.m. (*Senate Majority Leader*).

Adjourned accordingly at 12.55p.m.

Ken Nnamani
President of the Senate