



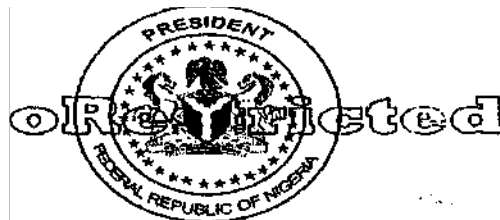
SENATE OF THE FEDERAL REPUBLIC OF NIGERIA VOTES AND PROCEEDINGS

Tuesday, 18th November, 2008

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 Thursday, 6th November, 2008 and approved same.

By unanimous consent, the Votes and Proceedings were approved.

3. **Messages from Mr. President:**
The Senate President announced that he had received three letters from the President, Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria, which he read as follows:
(A)



PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA

November 14, 2008

*Distinguished Senator David Mark Senate President,
Senate of the Federal Republic of Nigeria,
National Assembly Complex, Three Arms
Zone, Abuja.*

Dear brother,

2009 BUDGET

I crave the indulgence of the National Assembly to grant me the slot of 12:00 noon, Wednesday, November 19th, 2008, to formally address the Joint Session of the National Assembly on Budget 2009.

While I thank the Distinguished Members of the Senate of the Federal Republic for the constancy of your cooperation and understanding, please accept, Distinguished Senate President, the assurances of my highest consideration.

Yours Most Sincerely,

Signed:
UMARU MUSA YAR'ADUA

(B)



PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA

PRES/134/NASS/SEN/I-14

November 17, 2008

*The President,
Senate of the Federal Republic of Nigeria,
National Assembly Complex,
Abuja.*

Dear Brother,

CONFIRMATION OF MINISTERIAL NOMINEES

In accordance with Section 147(2) of the Constitution of the Federal Republic of Nigeria, 1999, I have the honour to forward the under-listed ministerial nominees for consideration for Senate confirmation.

S/No.	Name	State
1	Prof Dora Akunyili	Anambra
2	Dr. I. Y. Iame	Bauchi
3	Dr. Shettima Mustafa	Borno
4	Dr. Sam Egwu	Ebonyi
5	Senator Ibrahim Kazaure	Jigawa
6	Dr. Rilwanu Lukman	Kaduna
7	Arch. Nuhu Somo Way	Kaduna
8	Mr. Ibrahim Isa Bio	Kwara
9	Engr. Sani Mohammed Ndanusa	Niger
10	Prof Babatunde Osotimehin	Ogun
11	Senator Bello Jibril Gada	Sokoto
12	Alhaji Jibril Maigari	Yobe
13	Alhaji Ikra Aliyu Bilbis	Zamfara

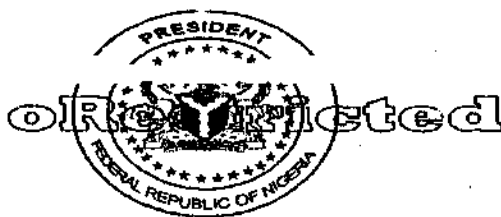
Copies of their Curriculum Vitae are attached herewith.

It is my hope that this exercise will receive the usual kind expeditious consideration of the Distinguished Members of the Senate of the Federal Republic.

Yours Sincerely,

Signed:

UMARU MUSA YAR'ADUA



PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA

November 14, 2008

*Distinguished Senator David Mark President,
Senate of the Federal Republic of Nigeria,
National Assembly Complex, Abuja.*

Dear Sir,

CONDOLENCE

I write on behalf of my family, the Government and people of the Federal Republic of Nigeria to commiserate with you, the entire members, and staff of the Senate of the Federal Republic of Nigeria on the unfortunate passing of your Political Adviser, Senator Emmanuel Okpede.

It is noteworthy that the late Senator Okpede, a committed patriot, died in active service to the Fatherland. Our heart goes out to the family he has left behind.

May Almighty God grant his soul eternal rest.

Yours Sincerely,

Signed:

UMARU MUSA YAR'ADUA

4. Announcements:

The Senate President read a letter from Senator Ike Ekweremadu, CFR, Deputy President of the Senate as follows:

(i) *ECOWAS Plenary Session:*

The Plenary Session of ECOWAS Parliament earlier scheduled for this morning will now start at 4.00 p.m today. This is to enable the Bureau Meeting and Conference of Bureau Meeting which could not take place yesterday to be held this morning ahead of the plenary.

Members of the Nigerian delegation are to please take note.

The French lesson for Nigerian delegation to the ECOWAS Parliament which was to commence today will now commence on Tuesday 25th of November 2008.

The shift in date is as a result of the Extra Ordinary Session of the parliament taking place this week.

All Senators who are delegates to the ECOWAS Parliament are to meet with the Deputy President of the Senate in his office at the new Senate building today at 2.00 p.m prompt for a 5 minutes briefing.

Signed:

SENATOR IKE EKWEREMADU, CFR
Deputy President of the Senate/1st Deputy Speaker,
ECOWAS Parliament.

(ii) ***Wedding Ceremony:***

The Senate President also read a letter from Senator Patrick E. Osakwe as follows: Senator Patrick E. Osakwe daughter's wedding on 22nd November, 2008. Senators will leave on Friday at 12:00 noon from Nnamdi Azikwe International Airport, Abuja with Arik Air.

Signed:

Senator Patrick E. Osakwe

(ii) ***Demise of Senator Emmanuel O. D. Okpede:***

The Senate President further announced the demise of Senator Emmanuel Okudu Danladi Okpede, who died on 13th November, 2008 during the Senate Retreat in Kano:

One Minute silence observed in honour of Late Senator Emmanuel Okudu Danladi Okpede.

5. Privilege:

Rising on Rule 15, Senator Iyabo Obasanjo-Bello invited the attention of the Senate to the assault suffered by her in the hands of the State Security Service operatives attached to the Governor of Ogun State, Otunba Gbenga Daniel during a ceremony in Oyo State.

Debate:

Motion made: That the Senate do refer the matter to the Committees on Ethics, Privileges and Public Petition and Security and Intelligence (*Senator Mahmud Kanti Bello*).

Question put and agreed to.

Matter accordingly referred to Committees on Ethics, Privileges and Public Petition and Security and Intelligence.

6. Presentation of Bills:

- (i) National Achieves and Records Administration (Establishment, etc) Bill 2008 (SB. 227) — *Read the First Time.*
- (ii) Prevention of Hostage Taking and Kidnapping Bill 2008 (SB. 228) — *Read the First Time.*
- (iii) National Insurance Scheme Act (Amendment) Bill 2008 (SB. 218) - *Read the First Time.*

7. Confirmation of Nomination:

Motion made: That the Senate do consider the request of Mr. President, Commander-in-Chief, for the confirmation of the nomination of Elder Bob Francis Ozaka as Member of the Federal Character Commission (FCC) (*Senate Leader*).

Question put and agreed to.

Request accordingly referred to the Committee on Federal Character and Inter-Governmental Affairs to report within one week.

8. Confirmation of Nomination:

Motion made: That the Senate do consider the request of Mr. President, Commander-in-Chief, for the confirmation of the nomination of Hon. Lawal Ibrahim Funtua as Member of the Federal Character Commission (FCC) (*Senate Leader*).

Question put and agreed to.

Request accordingly referred to the Committee on Federal Character and Inter-Governmental Affairs to report within one week.

9. Committee on Works:***Report on the screening of Nominees:***

Motion made: That the Senate do receive and consider the Report of the Committee on Works, on the screening of the following persons as Chairman and Members of the Board of the Infrastructure Concession Regulatory Commission (ICRC) and approve the recommendations.

S/No	Name	Designation	Geo-political Zone
1.	Chief Ernest Shonekan	Chairman	South-West
2.	Hakeem Sanusi	Member	South-West
3.	Mansur Ahmed	Member	North-West
4.	Bernard Verr	Member	North Central
5.	Clement Owunna	Member	South-East
6.	Comfort Sira Wiwa	Member	South-South
7.	Joe Kyari-Gadzama	Member	North-East
8.	Aisha Sheikh Madawaki	Member	North-West

(Senator Julius A. Ucha).

Report presented and Laid.

Recommendations:

"That the Senate do confirm the above persons as Chairman and Members of the Board of the Infrastructure Concession Regulatory Commission (ICRC)".

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

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

Consideration of the Report of the Committee on Works, on the screening of Mr President's nominees as Chairman and Members of the Board of the Infrastructure Concession Regulatory Commission (ICRC):

Nominees recommended:

S/No	Name	Designation		Geo-political Zone
(i)	Chief Ernest Shonekan	Chairman	—	South-West
(ii)	Hakeem Sanusi	Member	—	SouUi-West
(iii)	Mansur Ahmed	Member	—	North-West
(iv)	Bernard Verr	Member	—	North Central
(v)	Clement Owunna	Member	—	South East
(vi)	Comfort Sira Wiwa	Member	—	South-South
(vii)	Joe Kyari-Gadzama	Member	—	North-East
(viii)	Aisha Sheikh Madawaki	Member	—	North-West

Debate:

Question:

"Will the Committee approve the nomination of Chief Ernest Shonekan (*South West*) as Chairman of the Board of the Infrastructure Concession Regulatory Commission (ICRC)?" — *Agreed to.*

Question:

"Will the Committee approve the nomination of Hakeem Sanusi (*South-West*) as a Member of the Infrastructure Concession Regulatory Commission (ICRC)?" — *Agreed to.*

Question:

"Will the Committee approve the nomination of Mansur Ahmed (*North-West*) as a Member of the Infrastructure Concession Regulatory Commission (ICRC)?" — *Agreed to.*

Question:

"Will the Committee approve the nomination of Bernard Verr (*North Central*) as a Member of the Infrastructure Concession Regulatory Commission (ICRC)?" — *Agreed to.*

Question:

"Will the Committee approve the nomination of Clement Owunna (*South-East*) as a Member of the Infrastructure Concession Regulatory Commission (ICRC)?" — *Agreed to.*

Question:

"Will the Committee approve the nomination of Comfort Sira Wiwa (*South-South*) as a Member of the Infrastructure Concession Regulatory Commission (ICRC)?" — *Agreed to.*

Question:

"Will the Committee approve the nomination of Joe Kyari-Gadzama (*North-East*) as a Member of the Infrastructure Concession Regulatory Commission (ICRC)?" — *Agreed to.*

Question:

"Will the Committee approve the nomination of Aisha Sheikh Madawaki (*North-West*) as a Member of the Infrastructure Concession Regulatory Commission (ICRC)?" — *Agreed to.*

Chairman to report progress.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Works, on the screening of the underlisted persons as Chairman and Members of the Board of the Infrastructure Concession Regulatory Commission (ICRC) and approved as follows:

- | | | | | |
|--------|---|---|-----------------------------|---|
| (i) | Chief Ernest Shonekan (<i>South-West</i>) | — | Chairman — <i>Approved.</i> | ! |
| (ii) | Hakeem Sanusi (<i>South-West</i>) | — | Member — <i>Approved.</i> | |
| (iii) | Mansur Ahmed (<i>North-West</i>) | — | Member — <i>Approved.</i> | |
| (iv) | Bernard Verr (<i>North-Central</i>) | — | Member — <i>Approved.</i> | |
| (v) | Clement Owunna (<i>South-East</i>) | — | Member — <i>Approved.</i> | |
| (vi) | Comfort Sira-Wiwa (<i>South-South</i>) | — | Member — <i>Approved.</i> | |
| (vii) | Joe Kyari-Gadzama (<i>North-East</i>) | — | Member — <i>Approved.</i> | |
| (viii) | Aisha Sheikh Madawaki (<i>North-West</i>) | — | Member — <i>Approved.</i> | |

Question: That the Senate do adopt the Report of the Committee of the Whole — *Resolved in the Affirmative.*

Confirmation of Nominees:*Question:*

"Will the Senate confirm the nomination of Chief Ernest Shonekan (*South West*) as Chairman of the Board of the Infrastructure Concession Regulatory Commission (ICRC)?" — *Resolved in the Affirmative.*

Nomination of Chief Ernest Shonekan (South West) as Chairman of the Board of the Infrastructure Concession Regulatory Commission (ICRC) accordingly confirmed.

Question:

"Will the Senate confirm the nomination of Hakeem Sanusi (*South-West*) as a Member of the Infrastructure Concession Regulatory Commission (ICRC)?" — *Resolved in the Affirmative.*

Nomination of Hakeem Sanusi (South-West) as a Member of the Infrastructure Concession Regulatory Commission (ICRC) accordingly confirmed.

Question:

"Will the Senate confirm the nomination of Mansur Ahmed (*North-West*) as a Member of the Infrastructure Concession Regulatory Commission (ICRC)?" — *Resolved in the Affirmative.*

Nomination of Mansur Ahmed (North-West) as a Member of the Infrastructure Concession Regulatory Commission (ICRC) accordingly confirmed.

Question-

"Will the Senate confirm the nomination of Bernard Verr (*North Central*) as a Member of the Infrastructure Concession Regulatory Commission (ICRC)?" — *Resolved in the Affirmative.*

Nomination of Bernard Verr (North Central) as a Member of the Infrastructure Concession Regulatory Commission (ICRC) accordingly confirmed.

Question:

"Will the Senate confirm the nomination of Clement Owunna (*South-East*) as a Member of the Infrastructure Concession Regulatory Commission (ICRC)?" — *Resolved in the Affirmative.*

Nomination of Clement Owunna (South-East) as a Member of the Infrastructure Concession Regulatory Commission (ICRC) accordingly confirmed.

Question:

"Will the Senate confirm the nomination of Comfort Sira Wiwa (*South-South*) as a Member of the Infrastructure Concession Regulatory Commission (ICRC)?" — *Resolved in the Affirmative.*

Nomination of Comfort Sira Wiwa (South-South) as a Member of the Infrastructure Concession Regulatory Commission (ICRC) accordingly confirmed.

Question:

"Will the Senate confirm the nomination of Joe Kyari-Gadzama (*North-East*) as a Member of the Infrastructure Concession Regulatory Commission (ICRC)?" — *Resolved in the Affirmative.*

Nomination of Joe Kyari-Gadzama (North-East) as a Member of the Infrastructure Concession Regulatory Commission (ICRC) accordingly confirmed.

Question:

"Will the Senate confirm the nomination of Aisha sheikh Madawaki (*North-West*) as a Member of the Infrastructure Concession Regulatory Commission (ICRC)?" — *Resolved in the Affirmative.*

Nomination of Aisha sheikh Madawaki (North-West) as a Member of the Infrastructure Concession Regulatory Commission (ICRC) accordingly confirmed.

10. **Committee on Power and Steel Development and Metallurgy:**
Report on the Hydro-Electric Power Producing Areas Development Commission Bill 2008 (SB.03) (Adjourned Debate - Tuesday, 4th November, 2008):
Motion made: That the Senate do resume the consideration of the Report of the Committee on Power and Steel Development and Metallurgy, on the Hydro-Electric Power Producing Areas Development Commission Bill 2008 (*Senate Leader*).

Question put and agreed to.

Motion made: That the Senate do resolve into the Committee of the Whole to resume the consideration of the Committee Report (*Senate Leader*).

Question put and agreed to:

(SENATE IN THE COMMITTEE OF THE WHOLE)

Resumed consideration of the Report of the Committee on Power and Steel Development and Metallurgy, on the Hydro-Electric Power Producing Areas Development Commission Bill 2008 :

PART V

FINANCIAL PROVISIONS

Clause 11: Funds of the Commission:

- (1) The Commission shall establish and maintain a fund from which shall be defrayed all expenditure incurred by the Commission.
- (2) There shall be paid and credited to the Fund established pursuant to subsection (1) of this section -
 - (a) 30 percent of the total revenue generated by any company or authority from the operation of any Hydroelectric dams in any member state of the Commission;
 - (b) 50 percent of money due to member states of the Commission from the Ecological Funds;
 - (c) All money raised for the purpose of the functions of the Commission by way of gifts, loan, grants-in-aid, testamentary disposition or otherwise;
 - (d) Proceeds from all other assets that may from time to time accrue to the Commission; and
 - (e) The Federal Government shall contribute to the fund by way of appropriations through the National Assembly, a sum not less than 40 percent of the Commission's annual budget.
- (3) The funds shall be managed in accordance with the rules made by the council, and without prejudice to the generality of the power to make rules under this subsection, the rules shall in particular contain provisions:
 - (a) Specifying the manner in which the assets or the funds of the Commission are to be held and regulating the making of payments into and out of the funds; and
 - (b) Requiring the keeping of proper accounts and records for the purpose of the funds in such form as may be specified in the rules (*Senator Nicholas Y. Ugbane*) — *Agreed to.*

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

Clause 12: Application of Funds of the Commission:

The Commission shall apply the proceeds of the funds established pursuant to section 11 of this Act to -

- (a) The cost of administration of the Commission;
- (b) The payment of salaries, fees, remuneration, allowances, pensions and gratuities payable under this Act.
- (c) The payment for all contracts, including mobilisation, fluctuations, variations, legal fees and cost on contract administration;
- (d) The payment for all purchases; and
- (e) Undertake such other activities as are connected with all or any of the functions of the Commission under this Act (*Senator Nicholas Y. Ugbane*) — *Agreed to.*

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

Clause 13: Power to accept Gifts:

The Commission may, accept gifts 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 provided such condition is in accordance with the laws of Nigeria (*Senator Nicholas Y. Ugbane*) — *Agreed to.*

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

Clause 14: Borrowing Powers:

The Commission may, with the consent of the President borrow, on such terms and conditions, as the Commission may determine, such sum of money as the Commission may require in the exercise of its function under this Act (*Senator Nicholas Y. Ugbane*) — *Agreed to.*

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

Clause 15: Annual Estimate Expenditure:

- (1) The Council shall, not later than 31st October in each year, submit to the President an estimate of the expenditure and income of the Commission during the next succeeding year.
- (2) The Council shall cause to be kept proper accounts of the Commission in respect of each year and proper records in relation to the Funds and shall cause the accounts to be audited not later than 6 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 (*Senator Nicholas Y. Ugbane*) — *Agreed to.*

Question that Clause 15 do stand part of the Bill, put and agreed to.

Clause 16: Quarterly Report:

The Commission shall, at the end of every quarter in each year, submit to the President a report on the activities and administration of the Commission (*Senator Nicholas Y. Ugbane*) — *Agreed to.*

Question that Clause 16 do stand part of the Bill, put and agreed to.

Clause 17: Annual Report:

- (1) The Council shall prepare and submit to the President not later than 30th June in each year, a report in such form as the President may direct on the activities of the Commission during the immediately preceding year, and shall be included in the report a copy of the audited accounts of the Commission for that year and the auditors' report.
- (2) The President shall upon receipt of the report referred to in subsection (1) of this section, cause a copy of the report and the audited accounts of the Commission and the auditor's report to be submitted to each House of the **National Assembly (Senator Nicholas Y. Ugbane) — Agreed to.**

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

PART VI**MISCELLANEOUS****Clause 18: Establishment of Monitoring Committee:**

- (1) There is established for the Commission a Monitoring Committee Which shall consist of such number of persons as the President may deem fit to appoint from the public or Civil Service of the Federation.
- (2) The Monitoring Committee shall -
 - (a) Monitor the management of the funds of the Commission and the implementation of the projects of the Commission; and
 - (b) Have access to the books of accounts and oilier records of the Commission at all times, and submit periodical reports to the President (*Senator Nicholas Y. Ugbane*) — *Agreed to.*

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

Clause 19: Office and Premises of the Commission, Cap. 202 LFN:

- (1) For the purpose of providing offices and premises necessary for the performance of its functions under this Act, the Commission may, subject to the Land Use Act -
 - (a) Purchase or take on lease any interest in land, or other property; and
 - (b) Construct offices and premises and equip and maintain same.
- (2) The Commission may, subject to the Land Use Act, sell or lease but any office or premises which is no longer required for the performance of its functions under this Act subject to the approval by the President and **Commander-in-Chief (Senator Nicholas Y. Ugbane) — Agreed to.**

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

Clause 20: Directives by the President:

- (1) Subject to the provisions of this Act, the President may give to the Commission directives of a general nature or relating generally to matter of policy with regards to the performance by the Commission of its function and it shall be the duty of the Commission to comply with the directives.

- (2) The Commission shall, with the approval of the President make regulations generally for the purpose of giving effect to this Act (*Senator Nicholas Y. Ugbane*) — *Agreed to.*

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

Clause 21: Limitation of Suits against the Commission:

- (1) Subject to the provisions of this act, the provisions of 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 against any member of the Council, the Managing Director for any act done in pursuance or execution of this Act or any other law or enactment, or of any public duty or authority or in respect of any alleged neglect or default in execution of this Act or such law or enactment, duty or authority, shall lie or be instituted in any court unless-
- (a) It is commenced within three months next after the act, neglect or default complained of; or
- (b) In the case of a continuation of damage or injury, within six months next after the ceasing of such damage or injury.
- (3) No suits shall be commenced against a member of the Council, the Managing Director, officer or employee of the Commission before the expiration of a period of one month after written notice of intention to commence the suit shall have been served upon the Commission by the intending plaintiff and the relief which he claims.
- (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 (*Senator Nicholas Y. Ugbane*) — *Agreed to.*

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

Clause 22: Service of Document:

A notice, summons or other documents required or authorised 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 Managing Director or by sending it by registered post and addressed to the Managing Director at the Principal Office of the Commission (*Senator Nicholas Y. Ugbane*) — *Agreed to.*

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

Clause 23: Restriction on Execution against Property of the Commission:

In any action or suit against the Commission, no execution or attachment of process shall be issued against the Commission.

Committee's Recommendation:

Leave out the provision in Clause 23 (Senator Nicholas Y. Ugbane) — Agreed to.

Clause 24: Indemnity of Officers:

A member of the Council, the Managing Director, any officer or employee of the Commission shall be indemnified out of the assets of the Commission against any proceedings, whether civil or criminal, in which judgement is given in his favour or in which he is acquitted, if any such proceeding is brought against him in his capacity as a member of the Council, the Managing Director, Officer or employee of the Commission (*Senator Nicholas Y. Ugbane*) — Agreed to.

Question that Clause 24 do stand part of the Bill, put and agreed to.

Clause 25: Interpretation:

In this Act, unless the context otherwise requires -

"Chairman" means the Chairman of the Council;

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

"Commission" means the Hydro-electric Power Producing Areas Development 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.

"Council" means the Governing Council established for the Commission under Clause 2(1) of this Act;

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

"Member" means a member of the Council and it includes the Chairman;

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

"Member States" include Kogi, Kwara, Niger and Kebbi State;

Amendment Proposed:

Immediately after the words "Kebbi State" insert the words "Plateau State and any other State where Hydroelectric Power is generated" instead thereof (*Senator Ikechukwu J. Obiorah*).

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

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

"President" means the President and Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria; and

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

"Indigene" means a person from the following States Kogi, Kwara, Niger and Kebbi State.

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

Committee's Recommendation:

That the provision in Clause 25 be retained (Senator Nicholas Y. Ugbane) — Agreed to.

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

Clause 26:

Citation:

This Act may be cited as Hydroelectric Power Producing Areas Development Commission (Establishment, etc.) Bill 2008 (Senator Nicholas Y. Ugbane) — Agreed to.

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

SCHEDULE

Section 2(3)

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC.

Proceeding of the Council

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

Question that Paragraph 1 under the head "Proceedings of the Council" stand part of Schedule to the Bill, put and agreed to.

2. (1) The Council 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 four other members, he shall summon a meeting of the Council be held within 14 days from the date on which the notice is given.
- (2) At any meeting of the Council, the Chairman shall preside but if he is absent, the members present at the meeting shall appoint one of their members to preside at the meeting.
- (3) Where the Council desires to obtain the advice of any person on a particular matter, the Council 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 meeting of the Council and shall not count towards a quorum.
- (4) The validity of any proceedings of the Council, or of a Committee shall not be adversely affected by -
 - (a) A vacancy in the membership of the Council or Committee; or
 - (b) A defect in the appointment of a membership of the Council Committee;

- (c) Reason that person not entitled to do so took part in the proceedings of the Council or Committee.

Question that Paragraph 2 under the head "Proceedings of the Council" stand part of Schedule to the Bill, put and agreed to.

Committees

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

Question that Paragraph 3 under the head "Committees" stand part of Schedule to 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 resumed consideration of the Committee on Power, Steel Development and Metallurgy on the Hydroelectric Power Producing Areas Development Commission Bill 2008 and approved as follows:

Clause 11-15	—	As Recommended
Clause 16-20	—	As Recommended
Clause 21-24	—	As Recommended
Clause 25	—	As Amended
Clause 26	—	As Recommended
Schedule	—	As Amended
Long Title	—	As Recommended

Question: That the Senate do adopt the Report of the Committee of the Whole; — Resolved in the Affirmative.

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

Question put and agreed to.

Bill accordingly read the Third Time and passed.

11. Nigerian Railway Corporation Act (Repeal and Re-Enactment) Bill 2008 (SB. 103):

Consideration of the Bill deferred to another Legislative day.

12. Adjournment:

Motion made: That the Senate do adjourn till Wednesday, 19th November, 2008 at 10.00 a.m.
(*Senate Leader*).

Adjourned accordingly at 1.00p.m.

David A. B. Mark, GCON

President,

Senate of the Federal Republic of Nigeria.