



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Thursday, 8th March, 2007

1. The Senate met at 10:35 a.m. The Senate President read Prayers.
2. Votes and Proceedings:
The Senate President announced that he had examined the Votes and Proceedings of Wednesday, 7th March, 2007 and approved same.

By unanimous consent, the Votes and Proceedings were approved.
3. Review Committee on the Ad-hoc Committee Report on **PTDF**:
The Senate President announced the replacement of Senator Zik Ambuno with Senator Sa'ad Mohammed Abubakar on the Review Committee on the Ad-hoc Committee Report on the Petroleum Technology Development Fund (PTDF).
4. Committee on National Planning, Economic Affairs and Poverty Alleviation:
Report on the Statistics Bill 2007 (SB. 255):
Motion made and Question Proposed: That the Senate do consider the Report of the Committee on National Planning, Economic Affairs and Poverty Alleviation, on the Statistics Bill 2007 (*Senator Gbemi R. Saraki*).

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)

A BILL FOR AN ACT TO REPEAL THE STATISTICS ACT 1957, ESTABLISH THE NATIONAL STATISTICS SYSTEM, NATIONAL BUREAU OF STATISTICS AND FOR OTHER MATTERS CONNECTED THEREWITH

PART 1 — ESTABLISHMENT, OBJECTIVE AND FUNCTIONS OF THE NATIONAL STATISTICAL SYSTEM

- Clause 1: Establishment of National Statistical System:
- (1) There is hereby established a National Statistical System (in this act referred to as "The System").

- (2) The National Statistics System shall comprise four main elements that is -
- (a) The producers of statistics, including the National Bureau of Statistics as the coordinating agency of the system, line Ministries and public agencies such as the Central Bank of Nigeria, and State Statistical Agencies;

Committees Recommendation:

Leave out the provision in Subclause 1(2) (a) and insert the- following instead thereof:

"(a) The producers of statistics, including the National Bureau of Statistics as the coordinating agency of the system, Ministries, public agencies, States Statistical Agencies and Local Government Statistical Units" (Senator Gbemi R. Saraki) — Agreed to.

- (b) Data user, including key users such as policy and decision makers;
- (c) Data suppliers, including establishment and households; and
- (d) Research and Training Institutions, including Universities.

Committees Recommendation:

Leave out the provision in Subclause 1(2) (d) and insert the following instead thereof:

"(d) Research and Training Institutions, including higher educational institutions" (Senator Gbemi R. Saraki) — Agreed to.

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

Clause 2:

Objectives of the National Statistical System:

The Objectives of the National Statistical System shall be to-

- (a) raise public awareness about the importance and role of statistical information to society;
- (b) collect, process, analyses and disseminate quality statistical data;
- (c) promote the use of best practice and international standards in statistical production, management and dissemination;
- (d) promote the use of statistical data and information at individual, Local Government Area, State, Institutional, National and International levels, especially for evidence-based policy design and decision-making; and

Amendment Proposed:

Leave out the word "Institutional" in line 2 (Senator Udoma U. Udoma).

Question that the amendment be made put and agreed to.

- (e) build sustainable capacity for the production and use of statistical data and information in the country, Coordination of the National Statistical System;

Committees Recommendation:

Leave out the provision in Subclause 2 (e) and insert the following instead thereof: " (e) build sustainable capacity for the production and use of statistical data and information in the country for planning purposes, Coordination of the National Statistical System" (Senator Gbemi R. Saraki) — Agreed to.

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

Clause 3:

Coordination of the National Statistical System:

The National Statistical System shall be co-ordinated by-

- (a) the Governing Board of the National Bureau of Statistics establishment under Section 7, which shall take policy decision on and monitor coordination of the System;

- (b) the National Consultative Committee on Statistical established under Section 12 of this Act, and
- (c) the National Consultative Committee on Statistics established under Section 18 of this Act.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senator Gbemi R. Saraki*) — *Agreed to.*

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

Clause 4:

Official Statistics:

- (1) Official Statistics shall be statistics produced by -

- (a) The National Bureau of Statistics;
- (b) Line Ministries;
- (c) Public Authorities; and
- (d) State Statistical Agencies.

Committee's Recommendations:

- (a) Inserts new Subclause 4 (l)(e) as follows:
"4 (l)(e) Local Government Statistical Units".

- (b) Schedules; (b) Insert a new Subclause 4(2) as follows:
- (c) Manuals; "4(2) Survey and Census Instruments, that is-(a)
- (d) Designs; and Questionnaire;
- (e) Reports". The National Bureau of Statistics must certify the above before it becomes official statistics" (*Senator GbemiR. Saraki*) — *Agreed to.*

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

n —ESTABLISHMENT AND FUNCTIONS OF THE NATIONAL BUREAU OF STATISTICS

Clause 5:

Establishment of the Bureau:

- (1) There is hereby established the National Bureau of Statistics (hereafter referred to in this Acts as "the Bureau").
- (2) The bureau shall be body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.
- (3) The Bureau shall be an autonomous public authority responsible to the Presidency.
- (4) In order to protect and enhance the integrity and impartiality of official statistics, the Bureau will exercise professional independence in the way it collects, processes, analyses, and reports and disseminates statistical information; and
- (5) The proceedings of the Board shall be as set out in the Schedule.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senator Gbemi R. Saraki*) — *Agreed to.*

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

Clause 6:

Functions of the Bureau:

The Bureau which shall be the main national agency responsible for the development and management of official statistics, the authoritative source and custodian of official statistics in the country shall— co-ordinate the National Statistical System;

- (b) advise the Federal/State and Local Government on all matters related to Statistical development;
- (c) develop and promote use of statistical standards and appropriate methodologies in the National Statistical System;
- (d) collect, compile, analyze, interpret, publish and disseminate statistical information alone or in collaboration with other agencies, both governmental and non-governmental agencies;
- (e) conduct the Population and Housing Census every ten years and any other censuses and surveys as the Board may determine;

Committee's Recommendation:

Leave out the provision in Subclause 6 (e) (*Senator Gbemi R. Saraki*) — *Agreed to.*

- (f) develop and maintain a comprehensive socio-economic National Data Bank;

Committee's Recommendation:

Leave out the provision in Subclause 6 (f) and *insert the* following instead thereof:

"(f) develop and maintain a comprehensive National Data Bank" (*Senator Gbemi R. Saraki*) — *Agreed to.*

- (g) provide a focal point of contact with international agencies on statistical matters, and
- (h) carry out all other functions relating to statistics as the Federal Government only assign to the Bureau.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senator Gbemi R. Saraki*) — *Agreed to.*

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

PART III — ESTABLISHMENT AND COMPOSITION OF THE BOARD, ETC

Clause 7:

Establishment and Composition of the Governing Board:

- (1) There is hereby established for the Bureau a Governing Board (in this Act referred to as "the Board")
- (2) The Board shall have ten (10) members appointed by the President of the Federal Republic of Nigeria and shall comprise of—
 - (i) Economic Adviser to the President and Chief Executive National Planning Commission - Chairman
 - (ii) Governor, Central Bank of Nigeria - Deputy Chairman
 - (iii) A Representative of the Ministry of Finance - Member

- (v) President, Manufacturer's Association of Nigeria - Member
- (vi) A representative of Ministry of Education - Member
- (vii) President, Nigeria Economic Society - Member
- (viii) A representative of Nigeria National Petroleum Corporation - Member
- (ix) President, Computer Science Association of Nigeria - Member
- (x) Director-General of National Bureau of Statistics [NBS] - CEO, NBS

Committee's Recommendation:

Leave out the provision in Subclause 7 (2) and insert the following instead thereof:

"(2) The Board shall consist of:-

- (i) A Chairman to be appointed by the President on the recommendation of the Minister responsible for National Planning Commission subject to confirmation by the Senate;
- (ii) The Minister of Finance or his Representative;
- (iii) The Minister of Agriculture or his Representative;
- (iv) The Minister of Education or his Representative;
- (v) The Chief Executive Officer of National Planning Commission;
- (vi) The Governor, Central Bank of Nigeria;
- (vii) The Group Managing Director, Nigeria National Petroleum Corporation
- (viii) The President, Manufacturers Association of Nigeria.
- (ix) The President, Nigeria Statistical Association.
- (x) Five Members to be appointed by the President of the Federal Republic of Nigeria to reflect the Federal Character of Nigeria and Subject to the approval and confirmation by the Senate.
- (xi) The Statistician-General National Bureau of Statistics as Member/ Secretary (*Senator Gbemi R. Saraki*).

Another Amendment Proposed:

Leave out the word "Secretary" (Senator Umaru Dahiru).

Question that the amendment he made put and agreed to.

- (3) To be eligible for appointment as a member of the Board, the person shall have the requisite qualification and minimum cognate experience of 10 years in-
 - (a) Statistics;
 - (b) Management and Public Administration
 - (c) Information Technology;
 - (d) Economics; and
 - (e) Related fields (*Senator Gbemi R. Saraki*).

Question that Clause 7 as amended do stand part of the Bill, put and agreed to.

Clause 8: Members of the Board:

Members of the Board, except the Director-General shall hold office for a term of 4 years in the first instance and may be renewed for another term of 4 years and no more.

Committee's Recommendation:

Leave out the provision in Clause 8 and insert the following instead thereof:

- "(1) Members of the Board, except the Statistician-General shall hold office for a term of 4 years in the first instance and may be renewed for another term of 4 years and no more.
- (2) The Board shall meet at least once in a quarter for the discharge of its business.
- (3) The Quorum for the meetings of the Board shall be eight (8) members and in all meetings of the Board each member present shall have one vote on any question before the board and, in the event of an equality of votes, the Chairman shall have a casting vote" *(Senator Gbemi R. Saraki) ~ Agreed to.*

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

Clause 9: Appointment of a Member of the Board:

Appointment as a member of the Board shall cease if the person-

- (a) serves the appointing authority with a notice in writing of this resignation; or
- (b) is unable to perform the functions of office by reason of infirmity of body or mind; or
- (c) is convicted of a criminal offence with a penalty of three months imprisonment or more; or
- (d) **is** incapacitated by prolong physical or mental illness from performing his duties as a member of the Board; or

Committee's Recommendation:

Leave out the provision in Subclause 9 (d) (Senator Gbemi R. Saraki) — Agreed to.

- (e) conducts himself/herself in a manner deemed by the appointing authority to be inconsistent with the membership of the Board; or
- (f) is in the opinion of other members of the Board, not fit to remain a member of the Board.

Committee's Recommendation:

That the provision in Clause 9 be retained (Senator Gbemi R. Saraki) — Agreed to.

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

Clause 10: Sitting Allowance:

A member of the Board other than Director-General shall be entitled to a sitting allowance to be determined by the appointing authority.

Committee's Recommendation:

Leave out the word "Director-General" and insert the word "Statistician-General" and any where it appears in the Bill (Senator Gbemi R. Saraki) — Agreed to.

Amendment Proposed:

Leave out the word "appointing" in line 2 and insert the word "appropriate" instead thereof (Senator Tunde Ogbeha).

Question that the amendment be made put and agreed to.

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

Clause 11: Functions of the Board:

The Board shall-

- (a) ensure the Bureau fulfils its mission and that the profile of the Bureau is commensurate with its role in national development;
- (b) advise government on the national statistics policy, procedures, methods and regulations relating to the development of the statistics sector;
- (c) formulate and monitor the implementation of policies for more effective coordination of the International 'Statistical System';
- (d) monitor the technical quality of official statistics and promote adherence to good practice;
- (e) adhere to practice and international recommendation and standards;
- (f) formulate and monitor the implementation of policies pertaining to the organization and management of the Bureau;
- (g) promote and protect the integrity of official statistics and the professional independence of statistics agencies;
- (h) appoint, promote and discipline senior staff of the Bureau, except the Statistician-General;
- (i) set guideline for recruitment, discipline and promotion of junior staff;
- (I) provide the President with a Quarterly Progress Report on activities of the Bureau and the entire National Statistical System;
- (k) review the structure of the Bureau as necessary; and
- (l) approve the corporate plans, work plans and budgets of the Bureau

*Committee's Recommendation:*That the provision in Clause 11 be retained (*Senator Gbemi R. Saraki*) — *Agreed to.**Question that Clause 11 do stand part of the Bill, put and agreed to.*

PART IV —APPOINTMENT OF DIRECTOR-GENERAL AND OTHER STAFF OF THE BUREAU

Clause 12: Appointment of the Statistician-General:

- (1) There shall be Statistician-General appointed by the President on the recommendation of the Chief Economic Adviser to the President.
- (2) To be eligible for appointment to the office Statistician-General, the person shall have the requisite qualification and minimum of 15 years cognate experience in Statistics and have proven managerial ability.

*Committee's Recommendation:*That the provision in Clause 12 be retained (*Senator Gbemi R. Saraki*) — *Agreed to.**Question that Clause 12 do stand part of the Bill, put and agreed to.*

Clause 13: Statistician-General:

The Statistician-General shall-

- (a) be the Chief Executive Officer of the Bureau;
- (b) be the Coordinator of the National Statistics System and as such, the Statistician-General shall-
 - (i) advise different Federal Line Ministries and Agencies and States on

Committee's Recommendation:

Leave out the provision in Subclause 13 (b) (i) and insert the following instead thereof:

"(i) advise Federal Ministries, Agencies and States on issues relating to their statistical activities" (Senator Gbemi R. Saraki) — Agreed to.

(ii) decide on the appropriate methods for collecting and processing national data for statistical purposes and on the timing and form of dissemination of these statistics;

Committee's Recommendation:

Leave out the word "decide" in line 1 and insert the word "advise" instead thereof (Senator Gbemi R. Saraki) — Agreed to.

(Hi) represent Nigeria in international meeting or designate one or more staff from the National Bureau of Statistics;

(c) be a full Member of and act as the Secretary to the Board and any committees which the Board may establish;

Amendment Proposed:

Leave out the provision in Subclause 13 (c) and insert the following instead thereof:

"(c) be a full Member of the Board" (Senator Jonathan Zwingina).

Question that the amendment be made put and agreed to.

(d) on the advise of the Chair [person] of the Board or such Committee convene any meeting of the Board or committee and in carrying out any functions under this subject, the Director-General shall attend-

Committee's Recommendation:

Leave out the provision in Subclause 13 (d) and insert the following instead thereof:

"(d) on the advise of the Chairman of the Board or such Committee convene any meeting of the Board or committee and in carrying out any functions under this subject, the Statistician-General shall attend" (Senator Gbemi R. Saraki) — Agreed to.

(i) meetings of the Board or any Committee; and

(ii) these meetings together with such other officers as he/she may deem fit;

(e) subject to the direction of the Board be responsible to the Board for the administration and management of funds and property of the Bureau;

(f) carry out the policies of the Board;

(g) organize, develop, support and promote the organizational culture of the Bureau;

Committee's Recommendation:

Leave out the provision in Subclause 13 (g) and insert the following instead thereof:

"(g) Ensure that the Bureau is at all times positioned for effective and efficient service delivery" (Senator Gbemi R. Saraki) — Agreed to.

(h) be responsible for the supervision and discipline of the staff of the Bureau;

(i) advise stakeholders in the National Statistical System on matters relating to statistics;

(I) present to the Board for approval, annual work programmes, human resource development programme and any other programmes to develop national statistics;

- (k) present to the Board for approval budgets and audited accounts of the Bureau; and
- (l) perform any other functions and duties as may be assigned by the Board
(Senator Gbemi R. Saraki) — Agreed to.

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

Clause 14: Delegation of powers and duties:

The Statistician-General may, in writing, delegate to any officer of the Bureau and of his/her powers and duties under this Act and in respect of any power or duty so delegated, a reference to the officer to whom the power or duty is delegated may be made.

Committee's Recommendation;

That the provision in Clause 14 be retained (Senator Gbemi R. Saraki) — Agreed to.

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

Clause 15: Tenure of Office of Statistician-General:

The Statistician-General shall hold office for term of 5 years in the first instance and may be re-appointed for another term of 5 years and no more.

Committee's Recommendation;

That the provision in Clause 15 be retained (Senator Gbemi R. Saraki) — Agreed to.

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

Clause 16: Suspension or Removal of the Statistician-General:

The President may, on the advice of the Board, suspend or dismiss from office the Statistician-General-

Committee 's Recommendation;

Immediately after the word "Statistician-General" insert the words "on the ground of"
(Senator Gbemi R. Saraki) — Agreed to.

- (a) gross misconduct;
- (b) incompetence;
- (c) negligence of duty;
- (d) being convicted of a criminal offence with penalty of three months imprisonment or more.

Committee's Recommendation;

That the provision in Clause 16 be retained (Senator Gbemi R. Saraki) — Agreed to.

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

Clause 17: Other Staff of the Bureau:

- (1) The Board shall appoint other staff of the Bureau as may be necessary for the proper and efficient discharge of the Bureau's functions including experts and consultants on the advice of the Statistician-General.
- (2) The staff shall be appointed on such term as the Board will from time to time determine.
- (3) The staff shall required to contribute to pension scheme that the Board may establish or any other pension arrangement.

Committee's Recommendation:

Leave out the provision in Subclauses 17 (2) and (3) and insert the following instead thereof:

- "(2) The staff of the Bureau shall be appointed on such terms and conditions of service as applicable to the Universities scheme of service.
- (3) Service in the Bureau other than by members of the Board shall be an approved service for the purpose of Pensions Act and accordingly employees of the Bureau shall in respect of their services be entitled to pensions, gratuities and other retirement benefits enjoyed by persons holding equivalent positions in the Universities salary scale" (*Senator Gbemi R. Saraki*) — *Agreed to.*
- (4) The Statistician-General may, in writing, appoint any other person as an Authorized Officer for the purpose of this Act and may in like manner revoke such appointment in writing as the situation may demand.
- (5) Any person employed in carrying out any of the provisions of this Act shall take an oath of office and secrecy prescribed in the Second Schedule, before a Magistrate or Commissioner of Oath before commencing the duties relating to the provisions of the Act.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senator Gbemi R. Saraki*) — *Agreed to.*

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

PART V -ESTABLISHMENT, COMPOSITION AND FUNCTIONS OF A NATIONAL CONSULTATIVE COMMITTEE ON STATISTICS

Clause 18: Establishment of National Consultative Committee on Statistics:
There shall be a National Consultative Committee on Statistics (referred to in this Act as the "Consultative Committee") appointed by the President as one of the mechanisms for coordinating the National Statistical System;

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senator Gbemi R. Saraki*) — *Agreed to.*

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

Clause 19. Functions of the National Consultative Committee:

- (1) The Consultative Committee shall-
 - (a) examine the statistical programmes of the various agencies annually (at an appropriate period before the annual budget preparation) in order to achieve greater coordination and avoid unnecessary duplication of efforts, and evolve a national statistical programme for the approval of the Board of the Bureau;
 - (b) review and advise on conditions of service of statistical personnel;

Committee's Recommendation:

Leave out the provision in Subclause 19 (1)(b) (Senator Gbemi R. Saraki) — Agreed to.

- (c) examine the Statistics Act and recommend to the Board any necessary changes as need arises; and
- (d) develop strategies, which shall ensure uniform standards and methodologies amongst the various agencies with a view to improving on the quality comparability and timeliness of their statistics output.
- (2) The Consultative Committee shall comprise of-
 - (a) Statistician-General as Chairman;

- (b) Director of Planning, Research and Statistics Department of relevant Federal Ministries/Agencies;
- (c) Directors of State's Statistical Agencies;
- (d) Representative of the Central Bank of Nigeria;
- (e) Representative of the National Population Commission;
- (f) Representative of Customs Service;
- (g) Representative of Immigration Services;
- (h) Representative of the Nigeria Police Force;
- (i) Representative of Research and Training institutions;
- (j) Representative of Organized Private Sector; and
- (k) Representative of Civil Society Organizations.

Committee's Recommendation:

Insert the word "two" immediately before the word "representative in Subclauses 19 (2) (j) and (k) (Senator Gbemi R. Saraki) — Agreed to.

Amendment Proposed:

Insert new Subclauses 19 (2) (n) and (o) as follows and renumber accordingly.

- "(n) Representative of the Nigerian Armed Forces;
 - (j) Representative of the Nigeria National Petroleum Corporation"
- (Senator Daniel I. Saror).*

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

Clause 19 as amended do stand part of the Bill, put and agreed to.

Clause 20:

Meeting of the Committee:

The Consultative Committee shall-

- (a) meet twice a year at a time and place to be determined by the Chairman; and
- (b) except for the Chairman, be entitled to sitting allowance to be determined by the appointing authority.

Committee's Recommendation:

That the provision in Clause 20 be retained (Senator Gbemi R. Saraki) — Agreed to.

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

PART VI - POWER TO OBTAIN INFORMATION, CONFIDENTIALITY AND DISCLOSURE, OFFENCE AND PENALTIES

Clause 21:

Powers to obtain Information:

- (1) Subject to the provision of this Act, the Bureau shall from time to time, collect statistics throughout the Federation or from any part thereof concerning any other matter set out in the First Schedule of this Act.
- (2) The Statistician-General may, for the purpose of this Section of the Act-
 - (a) by notice in writing, require a person to furnish, in such form and manner and within such time as may be specified in the notice, such periodical or other information, estimates, return or particulars relating to any of the matters specified in the First Schedule of this Act relating to any of the matter specified in the First Schedule of this Act;

- (b) by interviewing a person, require the person to furnish particulars relating to any of the matters specified in the First Schedule to this Act; and
 - (c) by notice in writing, require a person to complete a form contained in the notice with particulars relating to any of the matters specified in the First Schedule to this Act and to return it in such manner and within such time as may be specified in the notice.
- (3) A notice referred to in subsection (1) of this section-
 - (a) may be served by delivering it to the person to whom it is addressed or by sending it by registered post to the person's last known address;
 - (b) shall state that it is served in exercise of the powers conferred on the Statistician-General by subsection (1) of this section; and
 - (c) shall include a general statement of the purpose for which the information, estimate, return or particulars is required.
- (4) Where any information, estimate, return or particular is required of a person by a notice purporting to be issued by the Statistician-General, it shall, in any legal proceeding relating to the information, estimate, return, particular or notice, be presumed that the-

Amendment Proposed:

Leave out "Cut words "purporting to be" in line 2 (Senator Bassey Ewa-Henshaw).

Question that the amendment be made put and agreed to.

- (a) information, estimate, return or particular is such as may lawfully be required of that person in accordance with the provisions of this Act; and
 - (b) notice was duly served in accordance with paragraph (a) of subsection (2) of this section, unless the contrary is proved.
- (5) Where the person required to furnish any information, estimate, return or particular in accordance with the provisions of this section is a company, incorporated under the Companies and Allied Matters Decree 1990, be specifically authorized for the purpose by the company.
- (6) The Statistician-General shall publish-
 - (a) by notification in the Gazette, and in such newspaper as may appear to him to be sufficient notice to the persons concerned; or
 - (b) if he/she is satisfied that local condition so require, in such other manner as may appear to him to be most suitable for the notification in the area or areas concerned.
 - (c) A list of the classes or description of undertakings in relation to which returns will be required for any of the purposes of this part of the Act.
- (7) A person carrying on an undertaking of a class or description referred to in subsection (1) of this section, who has not received a notice under paragraph (a) of subsection (1) of this section requiring him to furnish and information, estimate, return or particular in relation to the undertaking, shall inform the Statistician-General-
 - (a) within such period as may be specified in the notification, not being less than 21 days after the date of the publication applicable to the person, that he is carrying on the undertaking; and

- (b) within the same period or such further period as the Director-General may deem reasonable, give the Statistician-General such particulars of the undertaking as may be so specified.
- (8) Ministries and other public institutions which produce statistics relating to their responsibilities shall continue to do so, but such statistics shall conform to standards, classifications and procedures as determined by the Bureau to enhance the comparability of such statistics with other statistics of a similar nature, and to minimize unnecessary overlapping or duplication with the collection or publication of statistics by the various agencies and where the publication of the data thus collected requires recognition of the Bureau, the said ministries and other public institutions shall be required to provide the Statistician-General with the administrative data set and copies of the report on the complied date,.
- (9) In order to enhance the professionalism in statistics collection, all ministries will be required to create Statistical Units, which shall be staffed with professional staff posted from the Bureau.
- (10) For purpose of administration, these Units referred to in sub-section (9) of this section shall be under the control of the ministry where they are established, but the Statistician-General shall be responsible for the professional staff and promotion of standards in the work of these Units and these Units shall therefore periodically submit report to the Statistician-General.

Question that Clause 21 as amended do stand port of the Bill, put and agreed to.

Clause 22: Delegation of Responsibilities to Ministries and Other Public Agencies

The Bureau may delegate responsibilities to ministries and other public institutions with requisite capabilities to conduct nation-wide surveys, following standards and methodologies agreed with the Bureau in which case the publication of the data thus collected shall be with the prior approval and stamp of the bureau and the said ministries shall be required with the data set and copies of the report on the collected data.

Committee '\$ Recommendation

Leave out the provision in Clause 22 and insert the following instead thereof:

"Without prejudice to the provisions of the Constitution, the Bureau shall where-appropriate delegate responsibilities to ministries and other public institutions with requisite capabilities to conduct nation-wide surveys, following standards and methodologies agreed with the Bureau in which case the publication of the data thus collected shall be with the prior approval and stamp of the bureau and the said ministries shall be required to forward data set and copies of the report on the collected data" *(Senator Gbemi R. Saraki).*

Amendment Proposed:

Leave out the words "without prejudice to the provisions of the Constitution" in line 1 and insert the words "Functions of other Agencies" instead thereof (Senator Jonathan S. Zwingina).

Question that the amendment be made put and agreed to.

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

Clause 23: Code of Practice for Official Statistics:

In order to establish public confidence in all official statistics and analyses, the Statistician-General shall issue a Code of Practice that sets out professional standards to be followed by all agencies producing official statistics.

Committee '\$ Recommendation:

That the provision in Clause 23 be retained (Senator Gbemi R. Saraki) — Agreed to.

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

Clause 24:

Conduct of Surveys by Private Institutions:

Private Nigerian and Foreign Institutions wishing to conduct statistics surveys on a national scale going beyond their market studies shall first obtain the approval of the Bureau for the appropriateness of conducting such surveys and the methodology to be used with the enquiry forms carrying the stamp of approval of the Bureau and these institutions shall be required to provide the Statistician-General with the data set and copies of the report on the collected data.

Committee's Recommendation:

That the provision in Clause 24 be retained (*Senator Gbemi R. Saraki*) — *Agreed to.*

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

Clause 25:

Confidentiality and Disclosure:

- (1) The provisions of this Act shall not affect any law relating to the disclosure or non-disclosure of any official, secret or confidential information or trade secret.
- (2) Data collected for statistical purposes shall be treated as confidential and Data confidentiality means that the dissemination of these data (and the statistics which can be calculated from them) shall not permit the identification directly or indirectly of the units concerned and that a prohibition is imposed on data producers against disclosing information of an individual nature obtained in the course of their work.
- (3) Except for the purpose of prosecution undertaken by the Bureau-
 - (a) no individual return or part thereof, made for the purposes of this part of this Act;
 - (b) no answer given to any question put for the purposes of this part of this Act;
 - (c) no report, abstract or other document, containing particulars comprised in any return or answer so arranged as to enable such particulars to be identified with any person, undertaking or business, shall be published, admitted in evidence or shown to a person not employed in the execution of a duty under this Act without the prior consent in writing of the person making the return or giving the answer, or in the case of an undertaking or business, of the person who for the time being is the owner, manager or controller of the undertaking or business.
- (4) Notwithstanding the provisions of subsection (1) of this section, a report, an abstract or other document may be published without the required consent if-
 - (a) the information about an enterprise or establishment is already published or available on a database accessible to the public at large;
 - (b) in the case of a monopoly or duopoly, the statistics of relevant sectors of activity are none the less open and publishable, provided they do not reveal costs of production or profits of individual enterprises.
- (5) Nothing in this part of the Act shall be constructed as-
 - (a) authorizing or requiring the disclosure or production of any information or document if the disclosure or production of the information or document would contravene the provisions of any law for the time being in force;
 - (b) prohibiting or restricting the disclosure or production of any information or document which is authorized or required to be disclosed or produced under the provisions of any law for the time being in force.

(6) A person required under the provision of this part of this Act to furnish any information, estimate, return or particular shall not be obliged to disclose an information or produce a document which-

- (a) he would not be compilable to disclose or produce if he were a witness in a court of law; or
- (b) would involve the disclosure of any trade to require the disclosure to Ministry, Department or Authority for the purpose of taxation of any information acquired under the provisions of this Act.

Committee's Recommendation:

That the provision in Clause 25 be retained (Senator Gbemi R. Saraki) — Agreed to.

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

Clause 26:

Dissemination and Access:

- (1) Data producers shall be required to process, disseminate and make accessible to users as, a "public good", data collected or compiled using public funds.
- (2) Data producers will be required to release micro level data sets for further analysis, with suitable proviso on confidentiality, unless there is a compelling reason, such as maintaining confidentiality, not to so.
- (3) Each year, the Board will publish in advance the data to be produced together with date for the release of the data and all data producing agencies including the Bureau will be required to have a data release policy, to be made publicly available and they have power to impose charges for data products and services.
- (4) Data producing agencies shall be required to provide information on the methods and procedures used to compile official statistics and to update this as and when changes and improvements are introduced.
- (5) The Bureau shall make available a register of establishments showing only names and addresses to those who may to use it as a sampling frame for conducting surveys.

Committee's Recommendation:

That the provision in Clause 26 be retained (Senator Gbemi R. Saraki) — Agreed to.

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

Clause 27:

Offences and Penalties:

- (1) If a person who is employed for any of the purpose of this Act, without lawful authority, publishes or communicates to any person, otherwise than in the ordinary course of his employment, any information acquired by him in the course of his employment, he shall be guilty of an offence and liable on conviction to fine or to imprisonment for a term specified by the regulations made pursuant to this Act.
- (2) . If a person, who is in possession of any information which to his knowledge has been disclosed in contravention of this Act, publishes or an offence and liable on conviction to a fine or to imprisonment for term specified by the regulations thereof.
- (3) A person, who in the execution of any other purpose or duty under this Act, fails to comply with or contravenes any other term or condition of his oath shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a term specified by the regulations.

- (4) A person who fail to furnish any information estimate, return or particular which he is required to furnish under this Act is guilty of an offence and liable on conviction to fine or to imprisonment for specified by the regulations.
- (5) A person who, in purported compliance with requirement to furnish information, estimate, return or particular under this Act, knowingly or particular makes a statement in the information, estimate, return or particular which is false in any material particular, is guilty of an offence and liable on conviction to a fine or to imprisonment for term specified by the regulations.
- (6) A person shall not be guilty of an offence under subsection (1) of this section if, he proves that he did know and had no reasonable cause of knowing that he was required to give that information, estimate, return, or particular or that he had other reasonable excuse for the failure.
- (7) A person who, after conviction for an offence under subsection (1) of this section continues to fail to furnish the information, estimate, return, or particular is guilty of a further offence and shall be liable on conviction as provided in that subsection.
- (8) A person who, willfully and without lawful authority, destroys, defaces or mutilates any schedule, form or other documents containing information obtained in pursuance of the Act is guilty of an offence and liable on conviction to fine or to imprisonment for a term specified by the regulations.
- (9) Subject to subsection (2) of this section, when an offence under this Act is committed by a body of persons-
 - (a) in the case of a corporate body, every Director or officer of that body corporate; and
 - (b) in the case of partnership or other association of persons, every partner or officer of that body, shall be deemed to be guilty of the offence and punished accordingly;
- (10) A person shall not be guilty of an offence under subsection (1) of this section if he proves to the satisfaction of the court that the offence was committed without his knowledge, connivance or consent or that he exercised all due diligence to prevent the commission of the offence, having regard to all the circumstances of the case.

Committee's Recommendation:

That the provision in Clause 27 be retained (*Senator Gbemi R. Saraki*) — *Agreed to.*

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

PART VII -FUNDS AND ASSETS OF THE BUREAU

Clause 28: Funds of the Bureau:

- (1) The Bureau shall establish and maintain a fund from which shall be defrayed all expenditure incurred by the Bureau.
- (2) There shall be paid and credited to the fund established pursuant to subsection (1) or this section-
 - (a) such moneys as may, from time to time be charged for services rendered by the Bureau or grants to Bureau by the Federal Government and the Bureau shall negotiate annually with the Federal Government on the funding and production of a core set of statistics for the forthcoming year;

Committee's Recommendation:

thereof:

- "(a) Annual budgetary allocation by the Federal Government" (*Senator Gbemi R. Saraki*) — *Agreed to.*
- (b) All moneys raised for the purpose of the Bureau by way of gift, loan grant-in-aid, testamentary disposition or otherwise;
- (c) All subscriptions, fees and charges for services rendered or publications made by the Bureau; and
- (d) All other assets that may, from time to time, accrue to the Bureau.
- (3) The fund shall be managed in accordance with rules made by the Minister of Finance and without prejudice to the generality of the power to make rules under this subsection; the rules shall in particular contain provisions;

Committee's Recommendation;

Leave out the provision in Subclause 28 (3) and *insert the* following instead thereof:

" The fund shall be managed in accordance with Financial Regulations and other extant rules relating to financial transactions of the Federal government of Nigeria (*Senator Gbemi R. Saraki*) — *Agreed to.*

Committee's Recommendation:

Leave out the provisions in items 28(a) and (b) (*Senator Gbemi R. Saraki*) — *Agreed to.*

- (4) The Bureau may, from time to time, apply the proceeds of the fund established in pursuance of the Act for the following purpose-
- (a) To the cost of administration of the Bureau;
- (b) For the payment of the salaries, expenses, allowances and benefits of the employees of the Bureau;
- (c) To reimburse members of the Board and its committee and members of the National Consultative Committee on Statistics such expenses as may be expressly authorized by the Board and for the payment of their allowance; and
- (d) In connection with all or any of its functions under this Act under any other written law;
- (5) The Bureau may, with the consent of or in accordance with any general authority give by the Minister of Finance, borrow by way of loan from the Federal Government or by way of temporary overdraft approved by the Minister, sums required by the office for meeting its expenditure under this Act.

Committee's Recommendation:

Leave out the provision in Subclause 28 (5) (*Senator Gbemi R. Saraki*) — *Agreed to.*

- (6) The Bureau may invest all or any of its funds in such manner as may be approved by the Minister of Finance Accounts

Committee's Recommendation:

Leave out the provision in Subclause 28 (6) and *insert* the following instead thereof: "The Bureau may invest any surplus funds in such risk-free securities as may be approved by the Board" (*Senator Gbemi R. Saraki*) — *Agreed to.*

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

Clause 29: **Audit of the Bureau's Accounts:**

- (1) The Bureau shall prepare and submit to the Presidency not later than 30th day of September of each year, an estimate of its income and expenditure during the next year.

Committee's Recommendation:

Leave out the provision in Subclause 29 (1) (Senator Gbemi R. Saraki) — Agreed to.

- (2) The Bureau shall keep proper accounts in respect of each year and proper records in relation to those accounts and the Board shall cause the Bureau's accounts to be audited within six months after the end of each year to which the accounts relate, by auditors appointed from the list and in accordance with the guideline supplied by the Auditor General of the Federation.
- (3) The Bureau shall prepare and submit to the Presidency not later than eighteen months after its establishment, and once every year thereafter, a report in such a form as the Presidency may direct on the activities of the office during the last preceding year, and shall include in the report a copy of the audited accounts of the Bureau for that year and of the auditor's report on the accounts.
- (4) The presidency shall cause a copy of each report made by the Bureau under this section to be laid before the Federal Executive Council soon after the receipt thereof as may be convenient.

Committee's Recommendation:

Leave out the provision in Subclause 29 (4) (Senator Gbemi R. Saraki).

Amendment Proposed:

That the provision in Subclause 29 (4) be retained *(Senator Adolf Wabara).*

Question that the amendment be made put and agreed to. Question that Clause 29

as amended do stand part of the Bill, put and agreed to. PART VIII -

MISCELLANEOUS

Clause 30: **Transfer of Assets and Liabilities:**

- (1) For the purpose of providing offices and premises necessary for the performance of its function, the Bureau may, subject to the Land Use Act-
 - (a) Purchase or take lease any interest in land, building or property; and
 - (b) Build, equip and maintain offices and premises
- (2) The Bureau may, subject to the Land use Act, sell or lease out any land, office or premises held by it, which is no longer required for the performance of its functions under this Act.

Committee's Recommendation:

That the provision in Clause 30 be retained *(Senator Gbemi R. Saraki) — Agreed to.*

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

Clause 31: **Acceptance of Gifts:**

- (1) The Bureau 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 Bureau shall not accept a gift if the conditions attached by the person or organization making the gift are inconsistent with the objectives and functions of the office.

Committee's Recommendation:

That the provision in Clause 31 be retained (*Senator Gbemi R. Saraki*) — *Agreed to.*

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

- Clause 32:**
- (1) No suit shall commence against the Bureau before the expiration of a period of one month after written notice of intention to commence the suit agent and the notice 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 it claims.
 - (2) The notice referred to in subsection (1) of this section and any summons. Notice or on the document required or authorized to be served on the Bureau under this Acts or any other enactment or law, may be served by-
 - (a) Delivering it to the Statistician-General; or
 - (b) Sending it by registered post addressed to the Statistician-General.
 - (3) In an action or suit against the Bureau, no execution or attachment or process in the nature thereof shall be issued against the Bureau, but any sums or money which may, by the court be awarded against the Bureau shall, subject to any directives given by the Bureau, be paid from the general reserve of the Bureau.

Committee's Recommendation;

That the provision in Clause 32 be retained (*Senator Gbemi R. Saraki*) — *Agreed to.*

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

Clause 33:**Repeal of the 1957 Statistics Act:**

- (1) The 1957 Statistics Act is hereby repealed and the administrative body known as the Federal Office of Statistics (in this section to as "the dissolved Office") is hereby dissolved.
- (2) Accordingly, as from the commencement of this Act-
 - (a) All Zonal Offices, State Offices, Training School and other units which immediately before the commencement of this Act were owned, controlled or managed by the dissolved Office shall, by virtue of this Act, be transferred to, controlled or managed, as the case may be, by the Bureau.
 - (b) All the assets, funds resources and other movable and immovable property which immediately before the commencement of this Act were vested of the dissolved Office shall, by virtue of this Act, and without further assurance, be vested in the Bureau.
 - * (c) All right, interests, obligations and liabilities of the dissolved Office existing immediately before the commencement of this Act under any contract or instrument or at law or in equity shall, by virtue of this Act, be assigned to and vested in the Bureau.
 - (d) Any contract or instrument, as is mentioned in paragraph (b) of this subsection, shall be of the same force and effect against or in favour of the Office and shall be enforceable as full and effectively as if, instead of the dissolved Office, the Bureau had been named therein or had been party thereof.

- (3) A proceeding or cause of action pending on existing or which could have been taken by or against the dissolved office, immediately before the commencement of this Act in respect of any right, interest, obligation or liability of the dissolved Office, may be continued, enforced or taken by or against the Office as if the Bureau and not the dissolved Office had been a party thereof.
- (4) Notwithstanding The provisions of this Act subject to such directions as may be issued by the Board, a person who immediately before the commencement of this Act held office in the dissolved Office shall be deemed to have seconded to the Bureau with their full Civil Service benefits. Those officers who will not be taken on by the Bureau after the selection process will revert to the Civil Service for redeployment.

Committee's Recommendation:

That the provision in Clause 33 be retained (*Senator Gbemi R. Saraki*) — *Agreed to.*

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

Clause 34:

The Power to make regulations under this Act is vested on the Board:

- (1) The Presidency may, by statutory instrument, make regulations for giving effect to this Act within the twelve months after the commencement of this Act.

Committee's Recommendation:

Leave out the provision in Subclause 34 (1) and insert the following instead thereof:

"(1) The power to make regulations under this Act is vested on the Board" (*Senator Gbemi R. Saraki*) — *Agreed to.*

- (2) Without prejudice to the general effect of subsection (1), regulations may be made under it for:-
- (a) Prescribing penalties in respect of any contravention of the provisions of this Act; and
- (b) Amending, with the approval of the Federal Executive Council, any item in the First Schedule of this Act.

Committee 'S Recommendation:

That the provision in Clause 34 be retained (*Senator Gbemi R. Saraki*) — *Agreed to.*

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

INTERPRETATION

Clause 35:

Interpretation:

In this act, unless the context otherwise requires;

- (1) "Appointing authority" means the President of the Federal Republic of Nigeria;

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

- (2) "Board" means the Board of Directors of the National Bureau of Statistics established under Section 7 of this Act;

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

- (3) "Bureau" means the Nigeria National Bureau of Statistics established under section 5 of this Act;

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

- (4) "Consultative Committee" means the National Consultative Committee on Statistics;

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

- (5) "President" Mean 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.

- (6) "Statistician-General" means the Statistician-General appointed under Section 12 of this Act,

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

- (7) "Statistics" means information in connection with or incidental to all or any of the matters specified in the first Schedule of this Act and

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

- (8) "System" means the National Statistical System.

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

Committee's Recommendation;

That the provision in Clause 35 be retained (*Senator Gbemi R. Saraki*) — *Agreed to.*

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

Clause 36: Short Title:
This Act may be cited as the Statistics Act 2007.

Committee's Recommendation:

That the provision in Clause 36 be retained (*Senator Gbemi R. Saraki*) — *Agreed to.* ■

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

FIRST SCHEDULE —STATISTICAL SUBJECTS

1. Population and Housing
2. Births and Deaths
3. Immigration and Migration
4. Internal and External
5. Primary and Secondary Production
6. Agriculture, Livestock, Horticulture and allied industries
7. Forestry
8. Fisheries
9. Factories, Mines and Productive Industries Generally

11. Salaries, Wages, Bonuses, Fees, Allowances and any other payment and Honoraria for services rendered
12. Income earning, profile and interest
13. Out put stocks, sales and deliveries and details relating to services provided
14. Orders, work in progress, outgoings and cost (including work given out to contractors) and details of capital expenditure
15. receipts outstanding, fixed capital assets and plant (including the acquisition and disposal of those assets and plants)
16. Social, educational, labour and industrial matters (including association of employers, employees and other persons generally)
17. Industrial disturbances and disputes
18. Banking Insurance and Finance Generally
19. Commercial and professional undertakings
20. Distributive trades
21. Health
22. Transport and Communication in all forms of land, water and air
23. Wholesale and retail prices of commodities, rents and cost of living
24. Injuries, Accidents and-Compensation
25. Land Tenure, and the Compensation and use of land
26. Local Government

Question that Paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26 under the head "Statistical Subjects " stand part of Schedule 1 to the Bill, put and agreed to. .

SECOND SCHEDULE —OATH OF OFFICE AND SECRECY

I..... Do swear that I will faithfully and honestly fulfill my duties as in conformity with the requirements of the Statistics Act of 2005 and that as provided in Act, I will not disclose or make known any matter or thing which comes to my knowledge by reason of my employment.

MADE AT Abuja this Day of.....

Question that Paragraph 1 under the head "Oath of Office and Secrecy" stand part of Schedule 2 to the Bill, put and agreed to.

THIRD SCHEDULE —NIGERIA BUREAU OF STATISTICS TRAINING SCHOOL

There is hereby established a training institution to be known and called National Bureau of Statistics Training School.

Question that Paragraph 1 under the head "Nigeria Bureau of Statistics Training School" stand part of Schedule 3 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 considered the Report of the Committee on National Planning, Economic Affairs and Poverty Alleviation, on the Statistics Bill 2007 and approved as follows:

Clause 1 Clause	—	As Recommended
2 Clauses 4 — 6	—	As Amended
Clause 7 Clauses	—	As Recommended
8 — 12 Clause	—	As Amended
13 Clauses 14—	—	As Recommended
18 Clause 19	—	As Amended
Clause 20	—	As Recommended
Clauses 21—22	—	As Amended
Clauses 23 — 28	—	As Recommended
Clause 29	—	As Amended
Clauses 30 — 35	—	As Recommended
Title	—	As Amended
—	—	- As Recommended
—	—	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 read the Third Time (*Senate Majority Leader*).

Question put and agreed to.

5. *Bili accordingly read the Third Time and passed.*

Closed Session — **12.50 p.m.**

6. **Open Session** — **2.30 p.m.**

Adjournment:

And it being 2.30 p.m. the Senate President adjourned the Senate till Tuesday, 12th March, 2007 at 10.00 a.m.

Adjourned accordingly at 2,30p.m.