



## SENATE OF THE FEDERAL REPUBLIC OF NIGERIA VOTES AND PROCEEDINGS

Tuesday, 28th October, 2008

1. The Senate met at 10.25 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 Thursday, 23rd October, 2008 and approved same.

*By unanimous consent, the Votes and Proceedings were approved.*

3. **Announcement:**

***Second Senate Retreat Committee:***

The Deputy Senate President announced the Membership of the Second Senate Retreat Committee scheduled to hold in Kano as follows:

- |       |                            |   |          |
|-------|----------------------------|---|----------|
| (i)   | Senator Kabiru I. Gaya     | — | Chairman |
| (ii)  | Senator Gregory I. Ngaji   | — | Member   |
| (iii) | Senator Andrew O. Babalola | — | Member   |
| (iv)  | Senator Sahabi Alh. Yau    | — | Member   |
| (v)   | Senator Dahiru B. Gassol   | — | Member   |
| (vi)  | Senator Chimaroke Nnamani  | — | Member   |

4. **Personal Explanation:**

***Screening of Ambassadorial Nominees:***

Rising on Rule 43, Senator Jibril M. Aminu explained that the inability of the Committee on Foreign Affairs to report on the screening of the Ambassadorial nominees as mandated was due to the delay in forwarding the relevant documents on the nominees by the Office of the Special Adviser to the President on National Assembly Matters. He stated that the screening exercise would take place on Wednesday, 29th October, 2008 and invited Distinguished Senators to attend the Public Hearing on the screening exercise.

He urged the Senate to grant the Committee an extension of time to enable it conclude the assignment and report as ordered.

*The Committee was directed to expedite action on the screening of the nominees and report soonest.*

**5. Matter of Urgent Public Importance:**

Rising on Rule 42, Senator Bode Olajumoke drew the attention of the Senate to the recent withdrawal by the Federal Government of the hosting rights of the 2010 FIFA Under-17 World Youth Championship Football. In view of the leading role Nigeria plays in Africa and the negative signal the withdrawal will send to the international community, he sought and obtained the leave of the Senate to present a Motion on the Matter at the next legislative day **{Rule 42(2)}**.

*Question that the matter be debated, put and agreed to.*

*Matter to stand over till the next legislative day.*

**6. Presentation of Bills:**

- (i) 2008 Supplementary Appropriation Bill (SB. 217) — *Read the First Time.*
- (ii) Primary Health Care Development Agency Act (Amendment) Bill 2008 (SB.201) — *Read the First Time.*
- (iii) National Programme on Immunization Act (Repeal) Bill 2008 (SB. 202) — *Read the First Time.*
- (iv) Prisons Act (Amendment) Bill 2008 (SB. 211) — *Read the First Time.*
- (v) Chartered Institute of Certified Public Accountants of Nigeria Bill 2008 (SB. 155) — *Read the First Time.*

**7. Committee on Works:**

***Report on the Immediate Construction of the Second Niger Bridge in Onitsha:***

*Motion made:* That the Senate do consider the Report of the Committee on Works, on the Senate Resolution on the Immediate Construction of the Second Niger Bridge in Onitsha (*Senator Julius A. Ucha*).

*Question put and agreed to:*

*Report presented.*

*Debate:*

*Report recommitted to the Committee for further legislative action.*

**8. Committee on Science and Technology:**

***Report on the National Space Research and Development Agency Bill 2008 (SB. 83):*** *Motion*

*made:* That the Senate do consider the Report of the Committee on Science and Technology, on the National Space Research and Development Agency Bill 2008 (*Senator Caleb Zagi*).

*Question put and agreed to:*

*Report presented.*

*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)**

**A BILL FOR AN ACT TO ESTABLISH THE NATIONAL SPACE RESEARCH AND DEVELOPMENT AGENCY AND FOR OTHER MATTERS CONNECTED THEREWITH**

**PART I - ESTABLISHMENT OF THE AGENCY, ETC.**

**Clause 1: Establishment of the National Space Research and Development Agency:**

- (1) There is hereby established an Agency to be known as the National Space Research and Development Agency (in this Act referred to as "the Agency").
- (2) The Agency shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name.

*Committee's Recommendation:*

That the provision in Clause 1 be retained (*Caleb Zagi*) — *Agreed to.*

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

**Clause 2: Establishment and Composition of the Council of the Agency:**

"(1) There is established for the Agency a Council to be known as the National Space Council (in this Act referred to as "the Council").

- (2) The Council shall consist of-
  - (a) the President of Federal Republic of Nigeria as Chairman
  - (b) the Vice President as Vice Chairman .
  - (c) the Minister of Science and Technology.
  - (d) the Minister of Defence
  - (e) the Minister of Interior
  - (f) the Chairman of the National Planning Commission
  - (g) the Minister of Information and Communication (h) the Minister of Education
  - (i) the Attorney-General of the Federation and Minister of Justice
  - (j) the Director-General of the Agency;
  - (k) Three distinguished Scientists, two of which must have relevant knowledge and experience in Space science and technology drawn from the National Academy of science and Council of Registered Engineers of Nigeria; and

The supplementary provisions set out in the Schedule to this Act shall have effect with respect to the proceedings of the Council and the other matters contained therein.

**Amendment Proposed:**

*Leave out* the word "which" in line of Subclause 2(l)(k) and *insert* the word "whom" instead thereof (*Senator Victor Ndoma-Egba*).

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

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

**Clause 3:**

**Tenure:**

A member of the Council, who is not an ex-officio member, shall hold office for 4 years, and shall be eligible for another term of 4 years and no more (*Caleb Zagi*) — *Agreed to.*

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

**Clause 4:**

**Cessation of Membership:**

- (1) Notwithstanding the provisions of section 3 of this Act, a member of the Council shall cease to hold office if he-
  - (a) resigns his appointment by notice under his hand addressed to the President; or
  - (b) becomes of unsound mind ; or
  - (c) is convicted of a felony or any other offence involving dishonesty or corruption; or
  - (d) becomes bankrupt or makes a compromise with his creditors; or
  - (e) becomes incapable of carrying out the functions of his office either arising from an infirmity of mind or body.
- (2) Notwithstanding the provisions of section 3 of this Act, a member of the council may at any time be removed from office by the President -
  - (a) for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour; or
  - (b) if he is satisfied that it is not in the interest of the Authority or of the Public for the member to continue in office (*Caleb Zagi*) — *Agreed to.*

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

**Clause 5:**

**Remuneration of Non-ex-officio members of the Council:**

The allowances payable to non ex-officio members of the Council shall be in accordance with such rates as may be determined by the Revenue Mobilisation Allocation and Fiscal Commission and by the Council (*Caleb Zagi*) — *Agreed to.*

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

**PART II - FUNCTIONS OF THE AGENCY, COUNCIL AND POWERS****Clause 6: Functions of the Agency:**

The Agency shall -

- (a) encourage capacity building in space science and technology development management, thereby strengthening human resources development required for the implementation of the national space programmes;
- (b) Develop satellite technology for various applications and operationalize indigenous space systems for providing space services and shall be the government Agency charged with the responsibility to build and launch satellites.
- (c) enhance the development and entrenchment of research, development and production tradition in the Agency, so as to achieve a high output and make the desired impact on national economic and social development;
- (d) promote the co-ordination of space application programmes, for the purpose of optimizing resources and develop space technologies of direct relevance to national objectives;
- (e) develop national strategies for the exploitation of the outer space and make these part of the overall national development strategies, and implement strategies for promoting private sector participation in the space industry;
- (f) establish and supervise, relevant centres and units, for the purpose of executing the national space programme;
- (g) establish information network, to promote exchange of information, in order to facilitate communication and transmission of data concerning the activities of the Agency;
- (h) collaborate with international research centres, non-governmental organisations, universities, industries and other national and international space agencies/authorities.
- (i) promote active participation of Nigeria in the activities of the United Nations Committee on the Peaceful Uses of Outer Space and other United Nations Specialized Agencies, involved in Space Science and Technology Applications;
- (j) provide support for universities and other academic institutions in the country for research and development projects relevant to the national space programme" (*Caleb Zagi*) — *Agreed to*.
- (k) be the repository of all satellite data over Nigerians' territory and, accordingly, all collaborations/ consultation in space data related matters in Nigeria shall be carried out, undertaken by or with the Agency;
- (l) review the National Policy on Space including long range goals and develop a strategy for National Space issues; and

- (m) do such other activities as are, necessary or expedient, for the carrying out of the functions of the Agency and promotion of space science and technology in Nigeria" (Caleb Zagi) — Agreed to.

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

**Clause 7: Functions of the Council:**

The Council shall -

- (a) Provide policy guidelines for the day-to-day administration of the Agency" (Caleb Zagi) — Agreed to.
- (b) approve programmes and projects of the Agency;
- (c) consider and approve the capital development, plan of the Agency;
- (d) approve the establishment positions of the Agency, and discipline the Director -General of the Agency on the recommendations of the Minister (Caleb Zagi) — Agreed to.

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

**Clause 8: Powers of the Council:**

The Council shall have power to -

- (a) approve the opening of ordinary and domiciliary accounts for the Agency in recognized banking institutions in Nigeria, subject at any time, to the prevailing Government regulation;
- (b) grant approval for the Agency to enter into research and production partnerships with any company, NGO, firm or individual;
- (c) appoint technical consultants to advise it from time to time as the need and situation may arise; and
- (d) do such other things as are necessary for the successful performance of the function of the Agency" (Caleb Zagi) — Agreed to.

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

**PART III - STRUCTURE OF THE AGENCY, ETC.**

**Clause 9: Responsibilities, Office of the Director-General and Departments:**

- (1) The Headquarters of the Agency shall be situated in the Federal Capital, Abuja.
- (2) There shall be at the headquarters the following Office and Departments-
- (a) Office of the Director-General and Chief Executive.
- (b) Department of Engineering and Space Systems;
- (c) Department of Administration and Finance;
- (d) Department of Strategic Space Applications.
- (e) Department of international Cooperation;
- (f) Department of Policy, Planning and Research;

- (g) Department of Mission Planning and Satellite Data management; and
  - (h) Department of procurement" (*Caleb Zagi*) — *Agreed to.*
- (3) The Agency shall have the power to establish other departments and divisions as the need arises.
- (4) Each Department shall be under the headship of a Director, while each Division shall be under the headship of a Deputy Director.
- (5) The Units shall be under the headship of officers not above the rank of Assistant Director (*Caleb Zagi*) — *Agreed to.*

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

**Clause 10: Licensing of Activities:**

- (1) The Council on the recommendation of the Agency shall have power to grant license to any person or body corporate for activities stated in section 6(k) of this Act:
- (2) Provided that no license(s) shall be granted unless the council is satisfied that the activities authorized by the license-
  - (a) will not jeopardize public health or the safety of persons or property;
  - (b) will be consistent with the international obligations of the Federal Republic of Nigeria ; and
  - (c) will not impair the national security of the Federal Republic of Nigeria.
- (3) A license shall describe the activities authorized by it and shall be granted for such period, and subject to such conditions as the Council thinks fit
- (4) A license may in particular contain conditions-
  - (a) permitting inspection and testing of the licensees facilities and equipments, by the Council
  - (b) requiring the licensee to provide the Council as soon as possible with information as to-
    - (i) the space object;
    - (ii) the date and territory or location of launch, and
    - (iii) the basic orbital parameters, including modal period, inclination, apogee and Perigee and such other information as the Council may require concerning the nature, conduct ,location and result of the licensee's activities;
  - (c) permitting the council to inspect and take copies of documents relating to the information required to be given to it;

- (d) requiring the licensee to obtain advance approval from the council for any intended deviation from the orbital parameters, and to inform the council immediately of any unintended deviation ;
- (e) requiring the licensee to conduct operations in such a way as to;
  - (i) prevent the contamination of outer space or cause adverse changes in the environment of the Earth,
  - (ii) avoid interference with the activities of others involved in the peaceful exploration and use of outer space;
  - (iii) avoid breach of any international obligations of the Federal Republic of Nigeria, and
  - (iv) preserve the national security of the Federal Republic of Nigeria;
- (f) requiring the licensee to insure himself against liability incurred in respect of damage or loss suffered by third parties, in the Federal Republic of Nigeria or elsewhere, as a result of the activities authorized by the license;
- (g) governing the disposal of the payload in outer space on the termination of operations under the license and requiring the licensee to inform the council as soon as practicable of its final disposal; and
- (h) providing for the termination of the license on a specified time and event (*Caleb Zagi*) — *Agreed to*.

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

**Clause 11: Other Controls of the Council:**

- (1) The Agency shall maintain a register of Space objects
- (2) These shall be entered in the register particulars of such space objects as the Agency considers appropriate to comply with the international obligations of the Federal Republic of Nigeria.
- (3) Any person may inspect a copy of the register on payment of such fees as the Agency may prescribe (*Caleb Zagi*) — *Agreed to*.

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

**Clause 12: Developmental Centers of the Agency:**

- (1) To achieve the objectives of the space policy, the Agency shall operate through the following Developmental Centres-
  - (a) National Centre for Remote Sensing, Jos;
  - (b) Centre for Space Science and Technology Education, Ile Ife;
  - (c) Centre for Satellite Technology Development, Abuja;

- (d) Centre for Space Transportation and Propulsion, Epe;
  - (e) Centre for Geodesy and Geodynamics, Toro; and
  - (f) Centre for Basic Space Science and Astronomy, Nsukka.
- (2) National Centre for Remote Sensing, Jos, Plateau State shall -
  - (a) be responsible for harmonising research and development in space science and technology, application for sustainable socio-economic development of Nigeria;
  - (b) go into satellite data acquisition, archiving and distribution;
  - (c) develop application solutions; and establish a multi-source satellite receiving station.
- (3) Centre for Space Science and Technology Education, Ile-Ife, Osun State shall -
  - (a) develop curriculum, skills and knowledge of university educators, research scientists and other professionals in the application of remote sensing; and
  - (b) train professionals and personnel in the application or remote sensing, meteorology, communications and geographical information systems for sustainable development of Nigeria.
- (4) Centre for Satellite Technology Development Abuja shall develop trained engineers and scientists in the rudiments or satellite technology building, launching, telemetry, tracking and control of all kinds of satellite through earth observation, communications, meteorology and scientific research;
- (5) Centre for Space Transportation and Propulsion, Epe; Lagos State shall ensure and sustain rapid advances in the propulsion systems science and technology and rocketry.
- (6) Centre for Geodesy and Geodynamics, Toro, Bauchi State shall-
  - (a) facilitate and sustain the growth in capacity for geodesy surveying and mapping;
  - (b) monitor crustal deformation and subsidence, due to excessive oil and gas exploitation, nlood, global mean sea level rise and other related seismic and geo-dynamic phenomena;
  - (c) implement international agreements with regard to
    - (i) Satellite Laser Ranging (SLR),
    - (ii) very Long Baseline Interferometry (VLBI), and
    - (iii) Co-operative International GPS network.
- (7) Centre for Basic Space Science and Astronomy, Nsukka, Enugu State shall-
  - (a) provide sound education, research and knowledge in-
    - (i) basic space science,

- (ii) astronomy/astrophysics,
    - (iii) solar territorial physics,
    - (iv) cosmology and origin of life,
    - (v) ionosphere physics,
    - (vi) rocketry and balloons,
    - (vii) geomagnetism; and
  - (b) design and fabricate appropriate systems, instrumentations telescopes and other observatory equipment.
- (8) The Centers shall carry other activities that are necessary for their successful implementation of their mandates.
- (9) Each Centre of the Agency shall have the following,)
- Administration and Finance; and
- (b) Technical Divisions, which shall not be more than four and if more divisions are to be established, it shall be with the approval of the Councilor Minister.
- (10) The Agency may, with the approval of the Council, establish other centers which shall be located in such places in Nigeria as may be selected by the Agency (*Caleb Zagi*) — *Agreed to*.

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

#### **PART IV - STAFF OF THE AGENCY**

**Clause 13: Secretary to the Council:**

- (1) The Director-General shall be the Secretary to the Council, who shall be in charge of the Secretariat of the Council;
- (2) The Secretary of the Council shall carry out such function and duties as the council shall assign including functions specified in subsection 3(a-d) of this section
- (3) the Secretary of the Council shall in addition to such other functions and duties as the council may assign to him-
- (a) prepare the minutes of meetings of the Council and its Committees;
  - (b) keep and secure the records of the Council;
  - (c) issue notices of meetings of the Council and other correspondences as may be directed by the Minister; and
  - (d) ensure proper dissemination of the decisions of the Council to the appropriate persons, institutions or authorities (*Caleb Zagi*) — *Agreed to*.

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

**Clause 14: Appointment of principal officers of the Agency:**  
The Agency shall have the following principal officers -

- (a) Director-General/Chief Executive;
- (b) Director for Finance and Administration;
- (c) Directors (Technical Divisions); and
- (d) such other Directors as the Council may decide, all of whom shall be appointed by the Minister on the recommendation of the Director-General (*Caleb Zagi*) — *Agreed to*.

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

**Clause 15: Appointment and functions of the Director-General:**

- (1) There shall be appointed for the Agency, a Director-General by the President on the recommendation of the Council subject to confirmation by the Senate.
- (2) The Director-General shall be a person with a minimum of 15 years demonstrable research experience in science and technology knowledgeable in space science.
- (3) The Director-General shall-
  - (a) be the Chief Executive of the Agency;
  - (b) implement the policy and programmes of the Agency;
  - (c) carry out the day-to-day administration of the Agency;
  - (d) co-ordinate the activities of the Centres;
  - (e) supervise the activities of the Directors in the Agency; and
  - (f) report to the Council through the Minister of Science and Technology.
- (4) The Director-General shall hold office for a term of 5 years in the first instance and shall be eligible for another term of 5 years and no more (*Caleb Zagi*) — *Agreed to*.

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

**Clause 16:**

**Appointment of Directors and other Members of Staff of the Agency:**

- (1) There shall be appointed for the Agency well qualified and experienced persons who shall be appointed by the Minister on the recommendation of the Director-General to hold the office of and be in charge of:
  - (a) Finance and Administration as Director; and
  - (b) Technical departments and Centres as Directors.
- (2) The Minister on the recommendation of the Director-General shall appoint for the Agency other such members of staff as he or she may consider necessary for the performance of the functions set out in this Act (*Caleb Zagi*) — *Agreed to*.

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

**Clause 17: Appointment of Director for Finance and Administration:**

- (1) The Director of Finance and Administration shall, hold a university degree or its equivalent, with an adequate experience in Administration.
- (2) The Director of Finance and Administration shall-
  - (a) be head of the finance and Administration Department of the Agency;
  - (b) prepare draft expenditure estimates and development plan of his Department; and
  - (c) perform such other functions as may be determined by the Director-General or the Council (*Caleb Zagi*) — *Agreed to.*

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

**Clause 18: Directors in the Technical Departments:**

- (1) The Directors in the Technical Departments shall. Assist the Director-General in the management of the Agency.
- (2) A Director in a technical department shall be a professional, with adequate practical experience in the subject area which he is in charge or.
- (3) A director of a technical department shall-
  - (a) be head of the professional department of the Agency which he co-ordinates;
  - (b) supervise work of the technical officers and Assistant Directors in his Department and render;
- (c) Supervise work of the Research Scientists and Assistant Research fellows.
- (d) prepare draft expenditure estimates and development plans of his Department; and perform such other functions as, may be determined by the Director-General or the Council (*Caleb Zagi*) — *Agreed to.*

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

**Clause 19: Appointment of Director of a Centre:**

- (1) The Research Coordinator of a centre shall, be appointed by the Minister for Science and Technology, on the recommendation of the Director-General.
- (2) The Research Coordinator of a centre shall, be a professional with a minimum of 12 years practical experience, in the activity area of the centre in which he is in charge.
- (3) The Director shall coordinate the activities of the centre and has the same responsibility as a Director technical Department in the Agency (*Caleb Zagi*) — *Agreed to.*

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

**Clause 20: Remuneration of Employee the Agency:**

The salaries and benefits of all the members of staff of the Agency shall be in accordance with the conditions of service of the Agency as may be approved by the Council on the recommendation of the Salaries and Wages Commission (*Caleb Zagi*) — *Agreed to*.

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

**Clause 21: Staff Regulation:**

The Council may, make stall Regulations and adopt staff conditions of service, which are independent of the Civil Service of the Federation and which may provide for-

- (a) the remuneration of members of staff or the Agency; and
- (b) appointment, promotion, fringe benefits and productivity incentive of members of staff or the Agency (*Caleb Zagi*) — *Agreed to*.

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

**Clause 22: Removal and Discipline of Senior and Junior Staff:**

- (1) The Directors of the Agency may be removed from office by the Council on the recommendation of the Minister after due process has been followed.
- (2) Any other senior member of staff of the Agency may be removed from office by the Minister on the recommendation of the Director-General after due process has been followed.
- (3) The removal from office of junior staff shall be by the Director-General on the recommendation of the Director of Finance and Administration after due process has been followed (*Caleb Zagi*) — *Agreed to*.

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

**Clause 23: Application of the Pension Reform Act, 2004 No. 2:**

Service in the Agency shall be approved service under the Pension Reforms Act, accordingly, officers and employees of the Agency shall, in respect of their services be entitled to pension and other retirement benefits as are prescribed there under (*Caleb Zagi*) — *Agreed to*.

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

**PART V - FINANCIAL PROVISIONS****Clause 24: Fund of the Agency:**

- (1) The Agency shall, establish a fund from which shall be defrayed all expenditure incurred by the Agency for the purpose of this Act.
- (2) There shall be paid and credited to the fund-
  - (a) allocations from the Federal Government budget;
  - (b) foreign aid and assistance from bilateral and multilateral agencies;
  - (c) fees charged for services rendered by the Agency; and

**Clause 28: Submission of programme income and expenditure estimate to the Council:**  
The Agency shall submit to the Council, not later than 31st July each year, its programme of work and estimates of its income and expenditure for the following year (*Caleb Zagi*) — *Agreed to*.

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

**Clause 29: Audit and Account:**  
(1) The Accounts of the Agency shall be Audited not later than six months after the end of the year to which it relates, by auditors appointed by the Agency from the list of auditors supplied and in accordance with the guidelines issued by the Auditor-General of the Federation.  
(2) The accounts of the Agency shall be audited, not later than six months after the end of the year to which it relates, by auditors appointed by the Agency, from the list and in accordance with the guidelines supplied by the Auditor-General of the Federation (*Caleb Zagi*) — *Agreed to*.

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

**Clause 30: Annual Report:**  
(1) The Agency shall prepare and submit to the Council not later than 30th June each year, a report on the activities of the Agency, the audited accounts of the Agency and the auditors report thereon for each year preceding the report.  
(2) The Agency shall, not later than 30th September in each year, submit to the Council, the annual report of each of its centers for the preceding year (*Caleb Zagi*) — *Agreed to*.

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

## **PART VI - MISCELLANEOUS**

**Clause 31: Power to Purchase Build or Lease Property:**  
For the purpose of providing offices and premises necessary for the performance of its functions, the Agency may, subject to the Land Use Act-  
(a) purchase or take on lease any interest in land building or property; and  
(b) build, equip and maintain offices and premises (*Caleb Zagi*) — *Agreed to*.

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

**Clause 32: Power to Sell or Lease out Property:**  
The Agency 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 (*Caleb Zagi*) — *Agreed to*.

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

**Clause 33: Power to Borrow:**

The Council may with the consent of or in accordance with the general authority give to it by Government, borrow by way of loan or overdraft from any source, money required by the Agency for meeting its obligations in the discharge of its functions under this Act (*Caleb Zagi*) — *Agreed to*.

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

**Clause 34: Power to Accept Gift:**

(1) The Agency may, accept gift: of land, money or other property, upon such terms and conditions, if any, as may be specified by the person or organization making the gift.

(2) The Agency shall not accept any gift, if the conditions attached by the person or organization making the gift are inconsistent with the objectives and functions of the Agency (*Caleb Zagi*) — *Agreed to*.

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

**Clause 35: Commencement of Suit/Action and Service of Notice:**

(1) No suit shall be commenced against Agency, before the expiration of a period of one month, after written notice of intention to commence the suit shall have been served upon the Agency by the intending plaintiff or his agent and notice shall clearly and explicitly state the-

(a) cause of action;

(b) particulars of the claim;

(c) name and place of abode of the intending plaintiff; and

(d) the relief which he claims.

(2) The notice referred to in subsection (1) of this section and any summons, notice or other documents required or authorized to be served upon the Agency under the provisions of this Act or any other enactment or law, may be served by-

(a) delivering the same to the Director-General;

(b) Sending it by registered post to the registered address of the Agency.

(3) In any action or suit against the Agency, no execution or process in the nature thereof shall be issued against the Agency, but if the judgment of the court be awarded against the Agency, it shall be paid from the general reserve of the Agency (*Caleb Zagi*) — *Agreed to*.

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

**Clause 36: Power to Make Regulations:**

The Minister may, make regulations generally for the purpose of giving effect to the provisions, of this Act, facilitating the discharge of the Agency's functions or pursuing the Agency's objectives (*Caleb Zagi*) — *Agreed to*.

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

**Clause 37: Interpretation:**

In this Act, unless the context otherwise requires-

"Agency" means the National Space Research and Development Agency established by section 1 of this Act;

"Centre" means Development Centers or the Agency established under section 9 of this Act;

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

"Chairman" means the Chairman of the Council or the Agency;

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

"Council" means the National Space Council or the Agency established by section 2 of this Act.

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

"Fund" means the fund of the Agency;

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

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

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

"Minister" means the Minister responsible for Science and Technology;

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

"Principal Officer" means the Director-General and any of the Directors;

*Question, That the words "Principal Officers" be as defined in the Interpretation to this Act, put and agreed to.*

"Public Service" has the meaning assigned to it in the Constitution or the Federal Republic of Nigeria;

*Question, That the words "Public Service" be as defined in the Interpretation to this Act, put and agreed to.*

"Secretary" means the Secretary of the Council; and

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

"Technical Officer" includes scientists, engineers and lawyers working in the Agency.

*Question, That the words "Technical Officer" be as defined in the Interpretation to this Act, put and agreed to.*

*Committee's Recommendation:*

That the provision in Clause 37 be retained (*Caleb Zagi*) — *Agreed to.*

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

**Clause 38: Short Title:**

This Act may be cited as the National Space Research and Development Agency Bill, 2008 (*Caleb Zagi*) — *Agreed to.*

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

## SCHEDULE

### SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC.

***Proceedings of the Council:***

1. Subject to this Act and section 27 of the Interpretation Act, the Council may make standing orders regulating the proceedings or the Council and or any its committees.
2. At any meeting of the Council, the Chairman shall preside and in his absence, the Vice-Chairman shall preside at the meeting and in his absence members present at the meeting shall appoint one or their number to preside at the meeting.
3. The Council shall meet, not less than our times in each year, and subject thereto, the Council shall meet whenever it is summoned by the chairman.
4. The quorum for the meetings of the Council shall be five.
5. The Council shall meet for the conduct of business at such places and on such days as the Chairman may appoint.
6. The question put before the Council at a meeting shall, be decided by consensus, and where this is not possible, by a majority or the votes of the members present and voting.
7. The Chairman shall, in the case of an equality of votes, have a casting vote in addition to his deliberative vote.
8. Where the Council desires to seek the advice of any person on a particular matter, the council may, co-op the person as a member, 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 meting of the council and shall not count towards the quorum.
9. Subject to the provisions of the Act, the Council shall have power to regulate its proceedings and may, make standing orders with respect to the holding of its meeting, and those of its committees, the notice to be given, the proceedings thereat, the keeping of minutes of such proceedings and the custody and production for inspection of such minutes.

*Question that Paragraphs 1, 2, 3, 4, 5, 6, 7, 8 and 9 under the head "Proceedings of the Council" stand part of Schedule to the Bill, put and agreed to.*

*Committees:*

10. The Council may, appoint one or more committees, to carry out on its behalf such of its functions as it may determine.
11. A committee appointed under this schedule shall, consist of such number of persons (not necessarily all members of the Council), as may be determined by the Council, and a person other than a members or the council, shall hold office on the committee in accordance with the terms of this appointment.
12. A decision of a committee of the Council shall be of no effect, until it is confirmed by the Council.
13. The fixing of the seal of the Agency shall be authenticated by the signature of the Director-General or of some other person, Authorized generally by the Council to act for that purpose.
14. Any contract or instrument which, if made or executed by any person, not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Agency, by any person generally or specially authorized to act for that purpose by the Council.
15. The validity of any proceedings of the Council or its committees, shall not be affected by-
  - (a) any vacancy in the membership of the Council or of any committees thereof;
  - (b) reason that a person not entitled to do so, took part in the proceedings; or
  - (c) any defect in the appointment of a member.
16. Any member of the Council and any person holding office on a committee of the Council, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council or a committee thereof shall -
  - (a) forthwith disclose his interest to the Council or committee, as the case may be; and
  - (b) not vote on any question relating to the contract or arrangement.

*Question that Paragraphs 10, 11, 12, 13, 14, 15, and 16 under the head "Committees" stand part of Schedule to the Bill, put and agreed to.*

Chairman to report Bill.

**(SENATE IN PLENARY)**

The Deputy 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 Space Research and Development Agency Bill 2008 and approved as follows:

|                |   |                |
|----------------|---|----------------|
| Clauses 1      | — | As Recommended |
| Clause 2       | — | As Amended     |
| Clauses 3 — 10 | — | As Recommended |
| Clause 11 — 15 | — | As Recommended |

|                |   |                |
|----------------|---|----------------|
| Clause 16 — 20 | — | As Recommended |
| Clauses 21—25  | — | As Recommended |
| Clause 26 — 30 | — | As Recommended |
| Clause 31 — 35 | — | As Recommended |
| Clause 36 — 37 | — | As Recommended |
| Short Title    | — | As Recommended |
| Schedule       | — | 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.*

**9. Establishment of the Nigerian Trade and Competition Commission Bill 2008 (SB.80):**

*Consideration of the Bill deferred to another legislative day.*

**10. Senate President in Chair — 1.35 p.m.**

**11. Closed Session:**

*Motion made:* That the Senate do resolve into a Closed Session to deliberate on issues relevant to the workings of the Senate (*Senate Leader*).

*Question put and agreed to.*

**Senate in Closed Session — 1: 35 p.m.**

**Senate in Open Session — 2: 00 p.m.**

The Senate President reported that the Senate in a Closed Session discussed issues relevant to the smooth workings of the Senate.

**12. Adjournment:**

And it being 2.05 p.m. the Senate President adjourned the Senate till Wednesday, 29th October, 2008 at 10:00 a.m.

*Adjourned accordingly at 2.05p.m.*

**David A. B. Mark, GCON**

*President,  
Senate of the Federal Republic of Nigeria.*