



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

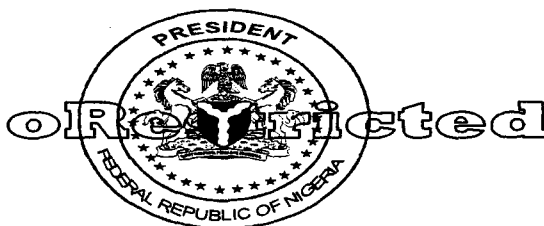
VOTES AND PROCEEDINGS

Tuesday, 14th July, 2009

1. The Senate met at 10.20 a.m. The Senate President read prayers.
2. **Votes and Proceedings:**
The Senate President announced that he had examined the Votes and Proceedings of Thursday, 9th July, 2009 and approved same.

By unanimous consent, the Votes and Proceedings were approved.

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



PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA

3rd July, 2009

Senator David Mark, GCON,
President of the Senate,
National Assembly Complex,
Three Arms Zone,
Abuja

Dear Brother,

REQUEST FOR CONFIRMATION OF APPOINTMENT OF THE ZAMFARA STATE REPRESENTATIVE IN THE FEDERAL CHARACTER COMMISSION (FCC)

The Federal Character Commission is one of the Federal Executive Bodies established under Section 153(1) of the 1999 Constitution of the Federal Republic of Nigeria. By the provision of Part 1(C) of the Third Schedule of the Constitution, the Commission shall comprise a Chairman and one member from each State of the Federation and the Federal Capital Territory, Abuja. In this connection, there is need to fill the vacant position created following the death of the former Commissioner, Alhaji Sahabi Muhammad Kaura, representing Zamfara State in the Commission.

I have, therefore, in the exercise of the powers conferred on me by Section 154(1) of the 1999 Constitution of the Federal Republic of Nigeria decided to appoint Ambassador Abdullahi Halidu Shinkafi, whose Curriculum Vitae is attached herewith, as a member of the Federal Character Commission representing Zamfara State for a term of five (5) years.

In accordance with the provision of Section 154(1) of the 1999 Constitution which states that the appointment shall be subject to confirmation by the Senate, I hereby present Ambassador Abdullahi Halidu Shinkafi for kind consideration and confirmation by the Senate of the Federal Republic of Nigeria.

Yours Sincerely,

Signed:

UMARU MUSA YAR'ADUA

(B)



**PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA**

July 6, 2009

*Distinguished Senator David Mark, GCON
President of the Senate,
Senate Chambers,
National Assembly Complex,
Abuja.*

Dear Brother,

**A BILL FOR AN ACT TO ESTABLISH THE PUBLIC SERVICE
INSTITUTE OF NIGERIA FOR ENACTMENT**

I hereby introduce for formal consideration and passage into Law by the Senate, a Bill for an Act to Establish the Public Service Institute of Nigeria and for matters connected therewith.

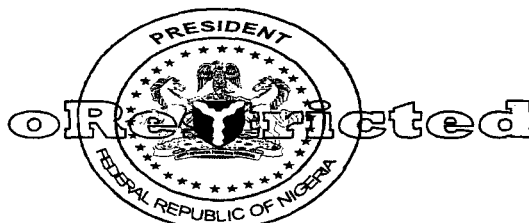
While I hope that the Bill will receive the usual prompt attention of the Distinguished Members of the Senate, please accept, Mr. Senate President, the assurances of my highest consideration.

Yours Sincerely,

Signed:

UMARU MUSA YAR'ADUA

(C)



**PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA**

July 7, 2009.

*Distinguished Senator David Mark, GCON
President of the Senate,
Senate Chambers,
National Assembly Complex,
Abuja.*

Dear Brother,

**REQUEST FOR CONFIRMATION OF APPOINTMENT AS A MEMBER
OF FEDERAL CIVIL SERVICE COMMISSION (FCSC)**

The Federal Civil Service Commission (FCSC) is one of the Federal Executive Bodies established under Section 153(1) of the 1999 Constitution of the Federal Republic of Nigeria. By the provision of Part I(D) of the Third Schedule of the Constitution, the Commission shall comprise a Chairman and not more than fifteen (15) other members. In this connection, there is an existing vacant position following the death of the former Commissioner, Alhaji Kasimu Idris, representing the cluster of Benue, Plateau and Nasarawa States in the Commission.

I have, therefore, in the exercise of the powers conferred on me by Section 154(1) of the 1999 Constitution of the Federal Republic of Nigeria decided to appoint Mr. Jonah Onuku Ogbole, whose Curriculum Vitae is attached hereto, as a member of the Federal Civil Service Commission (FCSC) representing the cluster of Benue, Plateau and Nasarawa States for a term of five (5) years.

In accordance with the provision of Section 154(1) of the 1999 Constitution which states that the appointment shall be subject to confirmation by the Senate, I hereby present Mr Jonah Onuku Ogbole for the kind consideration of the Senate of the Federal Republic of Nigeria.

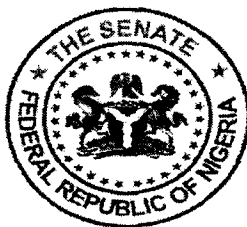
Yours Sincerely,

Signed:
UMARU MUSA YAR'ADUA

4. Announcement:

Letter of Appreciation:

The Senate President read a letter from Senator Bello Hayatau Gwarzo (Kano North) as follows:



Senator Bello Hayatau Gwarzo

Kano North Senatorial District
FEDERAL REPUBLIC OF NIGERIA
NATIONAL ASSEMBLY

July 13, 2009

*The President of the Senate
Senate Chambers,
National Assembly
Abuja*

Mr President Sir,

APPRECIATION

I wish to kindly express my profound appreciation on the overwhelming demonstration of sympathy shown to me and my entire family by my Distinguished Colleagues under your able leadership on the passing away of my late mother on Sunday, 21st June, 2009.

I am indeed grateful, Your Excellency by the presence of the Senate delegation in my personal residence in Kano as well as the soothing words expressed in your personal letter to me. These contributed greatly to comfort us during that trying and difficult period.

I pray to Almighty God to reward you abundantly for the kind gesture.

Thank you.

Sincerely,

Signed:

Senator Bello H. Gwarzo

5. Committee on National Planning, Economic Affairs and Poverty Alleviation:

Report of the confirmation of nominations:

Motion made: That the Senate do receive the Report of the Committee on National Planning, Economic Affairs and Poverty Alleviation on the screening of the following persons as Chairman and members of the Governing Board of the Bureau of Statistics:

- | | | | |
|-------|--------------------------|---|--|
| (i) | Ambassador Greg Mbadiwe | — | Chairman Member |
| (ii) | Alhaji Ali Badala Gumel | — | Member |
| (iii) | Alhaji Sule Majidadi | — | Member |
| (iv) | Alhaji Raimi Ayo Raji | — | Member |
| (v) | Chief Franklin Edonkumoh | — | Member |
| (vi) | Captain Joe Agada | — | Member (<i>Senator Zaynab Kure</i>). |

Question put and agree to.

Report Laid.

6. Committee on Sports and Social Development:

Report on the National Centre for the Elderly Persons (Establishment) Bill 2009 (SB. 15):

Motion made: That the Senate do consider the Report of the Committee on Sports and Social Development on the National Centre for the Elderly Persons (Establishment) Bill 2009 (*Senator Heineken Lokpobiri*).

Question put and agree to.

Report presented and Laid.

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 Agency for Elderly Persons for the General Purpose of Providing Welfare and Recreational facilities for the Elderly and the Designing of Developmental Programmes and Activities for the advancement of Elderly Persons in Nigeria.

Clause 1: Establishment of the National Agency for Older persons.

Establishment and composition etc of the National Agency for Older Persons and Governing Board.

- (1) There is hereby established a body to be known as the National Agency for Older Persons (in this Act referred to as "the Agency").
- (2) The Agency shall -
 - (a) be a body corporate with perpetual succession; and
 - (b) may sue and be sued in its corporate name
3. The Agency shall be located in the Federal Capital Territory, Abuja and shall have branches in all State Capitals (*Senator Heineken Lokpobiri*).

Amendment Proposed:

Leave out the word "Older" in line 1 and wherever it appears in the Bill and *insert* the word "Elderly" instead thereof (*Senator Ike Ekweremadu*).

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

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

Clause 2: Governing Board of the Agency.

- (1) There is hereby established for the Agency a Governing Board (in this Act referred to as "the Board") which shall administer and direct the affairs of the Agency.
- (2) The Board Shall consist of the following:
 - (a) A Chairman;
 - (b) A representative of the Ministry not below the rank of a Director;

Amendment Proposed:

Immediately after the word "Ministry" *insert* the words "responsible for Social Development" (*Senator Bassey Ewa-Henshaw*).

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

- (c) A representative of the Ministry of Finance not below the rank of a Director;

Amendment Proposed:

Immediately after sub-Clause 2(2c) *insert* the following words "A representative of the Ministry of Health not below the rank of a Director; and" (*Senator Bassey Ewa-Henshaw*).

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

- (d) 8 other members.

Amendment Proposed:

Leave out the figure "8" and insert figure "6" instead thereof and immediately after the words "members" insert the words "representing each of the geo-political zone" (Senator Ike Ekweremadu).

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

- (e) The Director General of the Agency shall be the Secretary of the Board

Amendment Proposed:

Leave out word "The" and insert letter "A" instead thereof and immediately after the word "Agency" insert the word "who" (Senator Andrew Babalola).

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

- (3) The Chairman and members of the Board other than ex-officio members shall:
- (a) be appointed by the president subject to the confirmation of the Senate; and

Amendment Proposed:

Leave out words " subject to the confirmation of the Senate" (Senator Joy Emodi).

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

- (b) be persons with proven integrity.
- (4) The supplementary provisions contained in the Schedule to this Act shall have effect with respect to the proceedings of the Council and other matters mentioned therein.

Committee's Recommendation:

That the provision in the Bill be retained (Senator Heineken Lokpobiri) —Agreed to.

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

Clause 3: Tenure of Office:

- (1) The members of the Board other than ex-officio members appointed under section 2 (2) (a) - (b) of this Act shall hold office for a period of 4 years in the first instance and may be eligible for re-appointment for a further period of 4 years and no more.
- (2) The members of the Board shall be paid such remuneration and allowances as the Revenue Mobilization Allocation and Fiscal Commission may, from time to time, determine.
- (3) A member of the Board other than an ex-officio member may resign his appointment by a notice in writing under his hand, addressed to the Minister and which resignation shall take effect immediately upon receipt of same by the Minister (Senator Heineken Lokpobiri) — Agreed to.

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

Clause 4: Cessation of Membership:

- (1) A member of the Board shall be relieved of his appointment by the President of the Federal Republic of Nigeria if -
- (a) he becomes of unsound mind; or
 - (b) he becomes bankrupt or makes a compromise with his creditors; or
 - (c) he is convicted of a felony or of any offence involving dishonesty; or
 - (d) he is guilty of serious misconduct in relation to his duties; or
 - (e) He is permanently incapacitated and cannot perform his official duties.
- (2) A member of the Council may be removed from office by the President, if, he is satisfied that it is not in the interest of the Centre or the interest of the public that the member should continue in office.

Committee's Recommendation:

Leave out the provision in Sub-Clause 4(2) (Senator Heineken Lokpobiri) —Agreed to.

- (3) Where a vacancy occurs in the membership of the Council, it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor, so however that the successor shall represent the same interest and shall be appointed by the President (Senator Heineken Lokpobiri).

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

Clause 5: Functions of the Agency:

- (1) The Agency shall be responsible for the provision of basic welfare, recreational facilities for the Older as well as stimulate consciousness towards the attainment of higher levels of development and activity for Older persons in Nigeria and promote international co-operation for the attainment of this objective.

Amendment Proposed:

Leave out the word "responsible" after the word "be" in line 1, and insert the words "at liberty" (Senator Sola Akinyede).

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

- (2) In the pursuance of the provisions of subsection (1) of this section, the Agency shall -
- (a) promote research into matters related to Older persons;
 - (b) serve as a data bank on matters related to Older persons;
 - (c) facilitate the formulation of policies affecting Older persons primarily in areas such as recreation, sports, health and finance;

- (d) provide for guidance and counselling for Older persons;
- (e) provide community based care and support services in areas of recreation, sports, health, housing and finance; and
- (f) liaise with national, regional and international agencies involved in matters related to Older persons.
- (g) Register and regulate the activities of residential facilities for older persons.
- (h) Implement all legislations applicable to Older persons (*Senator Heineken Lokpobiri*).

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

Clause 6: Functions of the Council.

- (1) Notwithstanding the provisions of Subsection (2) of this section, the Council shall be responsible for -
 - (a) the review of the implementation of policy decisions;
 - (b) designing programmes and activities for the advancement of the Elderly;
 - (c) approving the management budget and the appointment of Staff for the Centre;
 - (d) convening meetings for the purpose of disseminating information on the activities of the Centre.
 - (e) generally ensuring effective planning, running and success of the Centre in its bid to provide basic welfare, recreational facilities to the Elderly in Nigeria;
 - (f) developing controlling and maintaining buildings and facilities in the Centre in good condition fit for the purpose they were established; and
 - (g) carrying out such other activities as are necessary and expedient for the purpose of achieving the objectives set out in this section of this Act.
- (2) The Council shall also have power to carry out such activities as may appear to it to be incidental or conducive to the attainment of its objects under this Act.
- (3) The Council may, subject to such conditions as it may impose, delegate any of the powers conferred on it by this Act (including power to appoint and exercise disciplinary control) to any of its committees or the Executive Director of the Centre, as the case may be.
- (4) Nothing in this Section shall preclude the Council from exercising any of the powers delegated pursuant to Subsection (3) of this section (*Senator Heineken Lokpobiri*).

Committee's Recommendation:

Leave out the provision in Clause 6 and insert a new Clause 6 instead thereof as follows: (Senator Heineken Lokpobiri) —Agreed to.

**PART III — THE SECRETARIAT AND APPOINTMENT OF DIRECTOR
GENERAL AND OTHER STAFF OF THE AGENCY**

Committee's Recommendation:

Insert a new Clause 6 as follows:

“Clause 6: Establishment of the Secretariat:

There shall be established a secretariat for the Agency” (Senator Heineken Lokpobiri) —Agreed to.

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

Clause 7 Appointment of Director-General:

- (1) There shall be appointed for the Agency, a Director General who shall be appointed by the President subject to the confirmation of the Senate.

Amendment Proposed:

Leave out all the words immediately after the word “President” in line 2 (Senator Joy Emodi).

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

- (2) The Director General shall:
- (i) be the head of the Secretariat.
 - (ii) be responsible for the implementation of the decisions of the Board and the day-to-day administration of the affairs of the Agency;
 - (iii) be responsible for keeping the books and records of the proceedings of the Board; and
 - (iv) be the head of the Council's secretariat and be responsible for the administration thereof and the direction and control of all other employees of the Centre with the approval of the Council.

Committee's Recommendation:

Leave out the provision in Sub-Clause 7(2)(iv) (Senator Heineken Lokpobiri) — Agreed to.

- (3) The Director General shall hold office for a period of 4 years in the first instance and may be re-appointed for a further term of 4 years and no more (Senator Heineken Lokpobiri) — Agreed to.

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

Clause 8: Other Staff of the Agency, etc.

- (1) The Council shall appoint for the Centre an officer to be known as the Secretary to the Council who shall perform the functions of keeping the record of proceedings and decisions of the Council and such other functions as the Council may, from time to time, direct.

Committee's Recommendation:

Leave out the provision in Sub-Clause 8(1) (Senator Heineken Lokpobiri) —Agreed to.

- (2) The Board may from time to time appoint such other staff as it may deem necessary to assist the Director General in the performance of his function under this Act.
- (3) be the head of the Council's secretariat and be responsible for the administration thereof and the direction and control of all other employees of the Centre with the approval of the Council.

Committee's Recommendation:

Leave out the provision in Sub-Clause 8(3) (Senator Heineken Lokpobiri)

—Agreed to.

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

Clause 9 : Staff Regulations:

- (1) The staff of the Agency appointed under Section 8(2) of this Act shall be appointed upon such terms and conditions of service as the Board may after consultation with the Federal Civil Service Commission, determine:
 - (a) the appointment, promotion and disciplinary control (including dismissal) of employees of the Centre; and
 - (b) appeals by such employees against dismissal or other disciplinary measures and until such regulations are made, any instrument relating to the conditions of service of officers in the Civil Service of the Federation shall be applicable, with such modifications as may be necessary, to the employees of the Centre.

Committee's Recommendation:

Leave out the provision in Sub-Clause 9(1)(a) and (b) (Senator Heineken Lokpobiri) —Agreed to.

- (2) Staff regulations made under subsection (1) of this section shall not have effect until approved by the President.

Committee's Recommendation:

Leave out the provision in Sub-Clause 9(2) (Senator Heineken Lokpobiri) —Agreed to.

- (3) The staff of the Agency shall be public officers as defined in the Constitution of the Federal Republic of Nigeria (Senator Heineken Lokpobiri) —Agreed to.

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

Clause 10: Pensions.

- (1) Service in the Agency shall be public service for the purposes of the Pensions Reform Act and, accordingly, officers and other persons employed in the Agency shall, in respect of their service in the Agency, be entitled to pension, gratuities and other retirement benefits as are prescribed thereunder, so however that nothing in this Act shall prevent the appointment of a person to any office on terms which preclude the grant of a pension, gratuity or other retirement benefits in respect of that office.

- (2) For the purposes of the application of the provision of the Pension Reform Act, any power exercisable thereunder by a Minister or any other authority of the Government of the Federation other than the power to make regulation, is hereby vested in and shall be exercisable by the Agency and not by any other person or authority (*Senator Heineken Lokpobiri*) —Agreed to.

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

PART IV — FINANCIAL PROVISIONS

Clause 11: Fund.

- (1) (a) The Board shall establish and maintain a fund from which shall be defrayed all expenditure reasonably incurred by the Board for the execution of the functions the Agency under this Act.
- (b) There shall be paid and credited to the fund established pursuant to subsection 1 of this section such money as may each year be approved by the Federal Government for the purpose of the Agency.
- (c) all subventions, fees and charges for services rendered by the centre; and

Committee's Recommendation:

Leave out the provision in Sub-Clause 11(1)(c) (Senator Heineken Lokpobiri) —Agreed to.

- (d) all other assets which may, from time to time accrue to the Agency.
- (2) The Agency shall be managed in accordance with rules to be made by the Board and without prejudice to the generality of the power to make rules under this subsection, the rules shall in particular contain provisions-
- (a) specifying the manner in which the assets of the Agency are to be held and regulating the making of payments into and out of the Agency; and
- (b) requiring the keeping of proper accounts and records for the purposes of the Agency in such form as may be specified in the rules.
- (3) The Board may, from time to time, apply the proceeds of the Agency for following purposes -
- (a) the cost of administration of the Agency and the Board; and
- (b) the payment of salaries, fees and other remuneration, allowances, pension and gratuities payable to members or employees of the Agency or experts or professionals appointed by the Board (*Senator Heineken Lokpobiri*)— Agreed to.

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

Clause 12: Budgetary Provisions:

The Board shall not later than 31st August submit to the President an estimate of its expenditure and income during the succeeding year (*Senator Heineken Lokpobiri*) — *Agreed to.*

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

Clause 13: Expenses to be paid out:

All expenses incurred in the administration of the Centre shall be paid by the Council out of the monies of the centre.

Committee's Recommendation:

Leave out the provision in Clause 13 (Senator Heineken Lokpobiri) —Agreed to.

Clause 14: Award of Contracts:

Subject to the guidelines issued by government from time to time, the Board shall have power to approve the award of contracts (*Senator Heineken Lokpobiri*)—*Agreed to.*

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

Clause 15: Power to accept gifts:

- (1) The Board may accept gifts of land, money or other property upon such terms and conditions, if any, as may be specified by the persons or organisation making the gift; provided that the terms and conditions are not contrary to the objectives and functions of the Agency under this Act.
- (2) The Council shall not accept any gift if the condition attached by the person or organisation making the gift are inconsistent with the objectives of the centre under this Act.

Committee's Recommendation:

Leave out the provision in Sub-Clause 15(2) (Senator Heineken Lokpobiri) —Agreed to.

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

Clause 16: Exemption from Tax:

The Council shall be exempted from the payment of income tax on any income accruing from investments made by the Council or otherwise howsoever.

Committee's Recommendation:

Leave out the provision in Clause 16 (Senator Heineken Lokpobiri) —Agreed to.

Clause 17: Annual Estimates Account and Audit:

- (1) The Council shall cause to be prepared not later than 30 September in each year an estimate of the expenditure and income of the Centre during the next succeeding year and when prepared, they shall be submitted to the Minister.

Committee's Recommendation:

Leave out the provision in Sub-Clause 17(1) (Senator Heineken Lokpobiri) —Agreed to.

- (2) The Board shall keep proper accounts in a form which conforms with accepted commercial standards of its receipts, payments, assets and liabilities and shall submit the accounts annually for auditing by a qualified auditor appointed from the list of auditors and in accordance with the guidelines supplied by the Auditor-General of the Federation (*Senator Heineken Lokpobiri*) — *Agreed to.*

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

Clause 18: Quarterly Report:

The Board shall, notwithstanding the provisions of Section 19 of this Act submit to the Minister a report on its activities every 3 months (*Senator Heineken Lokpobiri*) — *Agreed to.*

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

Clause 19: Annual Report:

The Board shall not later than three months before the end of each year submit to the Minister a report on the activities and the administration of the Agency during the immediate preceding year and shall include in such reports the Auditor's report thereon (*Senator Heineken Lokpobiri*) — *Agreed to.*

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

PART V — SUPPLEMENTAL

Clause 20: Associate Membership of the Agency etc.:

- (1) All manufacturing and industrial concerns, organizations, which support the Council shall be eligible for election for associate membership of the Centre and on election, shall be conferred with such rights as the Council may, from time, determine.
- (2) The Council shall prescribe the fees payable by organisations and persons elected as associate members of the Centre

Committee's Recommendation:

Leave out the provision in Clause 20 (Senator Heineken Lokpobiri) — Agreed to.

Clause 21: Regulations:

The Board may with the approval of the Minister make such regulations as are necessary or expedient for giving full effect to the provisions of this Act (*Senator Heineken Lokpobiri*) — *Agreed to.*

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

Clause 22: Interpretations:

In this Act, unless the context otherwise requires: -

"Agency" means the National Agency for Older Persons established by Section 1 of this Act;

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

"Board" means the Governing Board established for the Agency under section 2(1) of this Act.

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

"Council" means the National Centre for Elderly Persons Council established by Section 2 of this Act;

Committee's Recommendation:

Leave out the provision in the interpretation of "Council" (Senator Heineken Lokpobiri) —Agreed to.

"Older Person" means a person who, in the case of a male is 65 years of age or older and, in the case of a female, is 60 years of age or older.

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

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

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

"Member" means a member of the Board 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 charged with the responsibility for matters relating to Social Development:

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

"Secretary" means the Secretary to the Council appointed under Section 8 of this Act

Committee's Recommendation:

Leave out the provision in the interpretation of "Secretary" (Senator Heineken Lokpobiri) —Agreed to.

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

Clause 23: Citation:

This Act may be cited as the National Agency for Elderly Persons (Establishment) Bill 2009 (Senator Heineken Lokpobiri)— Agreed to.

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

SCHEDULE Section 2 (4)

Supplementary Provision Relating to the Board

Proceeding of the Board

1. (a) Subject to this Act and Section 27 of the Interpretation Act, the Board may make standing orders regulating its proceedings or those of any of its committees.

- (b) The quorum of the Board shall be the Chairman and four other members and the quorum of any committee of the Board shall be determined by the Board.
2. (1) The Board shall meet not less than two times in each year and subject thereto, the Board shall meet whenever it is summoned by the Chairman; and if the Chairman is required to do so by notice given to him by not less than four other members, he shall summon a meeting of the Board, to be held within fourteen days from the date on which the notice is given.
- (2) At any meeting of the Board, the Chairman shall preside but if he is absent, the members present at the meeting shall appoint one of their member to preside at that meeting.
- (3) Where the Board desires to obtain the advice of any person on a particular matter the Board may co-opt him to the Board for such period as it thinks fit; but a person who is in attendance by virtue of this sub-section shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.

Question that Paragraphs 1 and 2 under the head "Proceeding of the Board" stand part of Schedule to the Bill, put and agreed to.

COMMITTEES

3. (1) The Board may appoint one or more committees to carry out, on behalf of the Board such of its functions as the Board may determine.
- (2) A committee appointed under this sub-section 1 of this section shall consist of such number of persons (not necessarily members of the Board) as may be determined by the Board; and a person other than a member of the Board shall hold office on the committee in accordance with the terms of his appointment.
- (3) A decision of a committee of the Board shall be of no effect until it is confirmed by the Board.

Question that Paragraph 3 under the head "Committees" stand part of Schedule to the Bill, put and agreed to.

MISCELLANEOUS

4. (1) The fixing of the seal of the Agency shall be authenticated by the signature of the chairman or of any other person authorized generally or specially to act for that purpose by the Board.
- (2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Agency by the chairman or any person generally or specially authorized to act for that purpose by the Board.
- (3) Any document purporting to be a document duly executed under the seal of the Agency shall be received in evidence and shall, unless and until the contrary is proved, be presumed to be so executed.
5. The validity of any proceeding of the Board or of a Committee thereof shall not be adversely affected by any vacancy in the membership of the Board or Committees, or by any defect in the appointment of a member of the Board or of a Committee, or by reason that a person not entitled to do so took part in the proceedings of the Board or Committees

Question that Paragraphs 4 and 5 under the head "Miscellaneous" stand part of Schedule to the Bill, put and agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Sports and Social Development on the National Agency for Elderly Persons (Establishment) Bill 2009 and approved as follows:

Clauses 1 - 2	—	As Amended
Clauses 3 - 4	—	As Recommended
Clause 5	—	As Amended
Clause 6	—	As Recommended
Clauses 7 - 23	—	As Recommended
Schedule	—	As Recommended
Title	—	As Amended.

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.

**7. Committee on Environment and Ecology:
Report of the National Climate Change Bill 2009 (SB. 24):**

Consideration of the Report deferred to another Legislative Day.

Independent National Electoral Commission Act 2004 (Amendment) Bill 2009 (SB. 273):

Consideration of the Bill deferred to another Legislative Day.

8. Adjournment:

Motion made: That the Senate do now adjourn till Wednesday, 15th July, 2009 at 10.00 a.m. (*Senate Leader*).

Adjourned accordingly at 12.40 p.m.

Dr. David A. B. Mark, GCON, *fnim*
President,
Senate of the Federal Republic of Nigeria.