



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Thursday, 2 March, 2006

1. The House met at 11.00 a.m., Mr Speaker read Prayers.

2. **Votes and Proceedings:**

Mr Speaker announced that he had examined and approved the Votes and Proceedings of Wednesday, March 1, 2006.

By unanimous consent, the Votes and Proceedings was adopted.

3. **Executive Bills Pending Before the National Assembly:**

Remarks by the Hon. Speaker:

Mr Speaker referred to the Brief submitted by the Committee on Rules and Business on the status of the following Executive Bills in the House *vide* the Votes and Proceedings of Tuesday, 7 February, 2006.

- (i) A Bill for an Act on Fiscal Responsibility;
- (ii) A Bill for an Act to Establish the National Council on Public Procurement and Other Matters Related Therewith; (iii) A Bill for an Act to Make Provisions for the Establishment of the Nigeria Extractive Transparency Initiative; (iv) A Consolidated Bill for an Act to Create Offences Pertaining to Advance Fee Fraud and Other Related Offences;
- (v) A Bill for an Act to Establish the Nigeria Financial Intelligence Unit, etc.; (vi) A Bill for an Act to Amend the Niger-Delta Development Commission (Establishment) Act;
- (vii) A Bill for an Act to Amend the Corrupt Practices and Other Related Offences Commission (Establishment) Act; (viii) A Bill on Privatisation and Commercialisation of Public Enterprises;
- (ix) A Bill for an Act to Establish the Geological Survey Agency of Nigeria and for Matters Connected Therewith;
- (x) A Bill for an Act to Establish the Bitumen Development Authority; (xi) A Bill for an Act to Amend the Agriculture Credit Guarantee Scheme Fund Act; (xii) A Bill for an Act to Amend the National Centre for Agriculture Mechanisation Act; (xiii) A Bill for an Act to Amend the Nigeria Deposit Insurance Corporation (NDIC) Act; (xiv) A Bill for an Act to Repeal the Pre-Shipment Inspection of Imports Act; (xv) A Bill for an Act to Establish the Federal Competition Commission; (xvi) Tax Reform Bills which include:
 - (a) A Bill for an Act to Establish the Federal Inland Revenue Service;
 - (b) A Bill for an Act to Amend the Petroleum Profit Tax Act;
 - (c) A Bill for an Act to Amend the Value Added Tax Act;
 - (d) A Bill for an Act to Amend the Personal Income Tax Act;

- (e) A Bill for an Act to Amend the National Sugar Development Council Act;
- (f) A Bill for an Act to Amend the National Automobile Council Act;
- (g) A Bill for an Act to Amend the Companies Income Tax Act;
- (h) A Bill for an Act to Amend the Customs and Excise Tariff (Consolidated) Act;
- (i) A Bill for an Act to Amend the Education Tax Fund Act .

He noted that six (6) of the Bills had been passed by the House while a good number were at various stages of consideration and urged the Committees to which they were referred to hasten work on the Bills. Furthermore, he expressed dissatisfaction over the delay in gazetting the Bills listed (xvi) (a) - (0 above and advised the Committee on Rules and Business to expedite action on these and other Bills pending the establishment of the House Journal.

4. Announcements:

- (i) **6th International Conference of Chief Justices of the World:** Mr Speaker/ read a communication on the above subject matter:



There is one thing stronger than all the armies in the World and that is 'AN IDEA' whose time has come' - Victor Hugo

Theme: Enforceable International Law Is THE IDEA Whose Time Has Come
7th INTERNATIONAL CONFERENCE OF CHIEF JUSTICES OF THE WORLD ON ARTICLE 51 (C) OF THE CONSTITUTION OF INDIA

7th to 12th December, 2006 **FOR SAFEGUARDING**

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'Article 51 of the Constitution of India:
The State shall endeavour to:
(a) promote international peace and security;
(b) maintain just and honourable relations
between nations;
(c) foster respect for international law; and
(d) encourage settlement of international
disputes by arbitration.

7th January 2006

Hon'ble Rep Baja Ibn Na' Allah

Chairman

House of Representatives of Committee on Judiciary

National Assembly

Three Arms Zone

PMB 141

Central Area Abuja

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Subject: 6th International Conference of Chief Justices of the World

Hon 'ble Chairman,

At the outset we wish to express our deep gratitude for your magnanimity in kindly attending the 6th International Conference of Chief Justices of the World on Article 51 of the Constitution of India in response to the appeal of the Two Billion children of the world to safeguard their future by facilitating the formation of a 'new world order' capable of eliminating the huge nuclear stockpile and also ensuring ecological and environmental conservation on a global scale.

Your powerful message to the world on the Enforceable International Law for the formation of World Parliament and International Court of Law to usher in a new international economic and political order and thus safeguard the future of world's two billion children, will have afar-reaching cascading effect in building the global public opinion and thus providing greater momentum to this noble movement.

Your concern and commitment to safeguard the future of world's children inspires and emboldens us to redouble our efforts for our precious cause and strive to usher a new world order for peace and security.

We wish to record our sincere gratitude for your support and as a token of respect we are sending you the banner of the extract of your Speaker's message displayed at the venue during the 6th Conference for your official record.

With kind regards.

Yours sincerely,

(Signed)
(Jagdish Gandhi) Founder
 Manager CM & Convener of
 the Conference

The Banner of the extract of Mr Speaker's Message to the Conference was accordingly displayed and read by the Chief Whip in full view of the Hon. Members.

(ii) Defections:

(a) Mr Speaker read the following communication from Hon. Ishaku Joshua Sharah (Askira/Vba-Hawul Federal Constituency):



HON. PHARM, ISHAKU Joshua SHARAH, FPSN

Askira/Uba HAWUL FEDERAL Constituency, BORNO STATE

National Assembly Complex, THREE ARMS ZONE, P.M.B. 141 Garki, Abuja-Nigeria

2nd March, 2006

Hon. Speaker
House of Representatives
National Assembly Complex
Abuja

Dear Hon. Speaker,

**CHANGE OF POLITICAL PARTY: ALLIANCE FOR DEMOCRACY (AD)
 TO PEOPLES DEMOCRATIC PARTY (PDP)**

I write to formally notify Mr Speaker, Honourable members and indeed the National Assembly, of the recent change of my political party; that is from Alliance for Democracy (AD) to Peoples Democratic Party (PDP).

The protracted and incurable factionalisation of the AD made it necessary for me to seek for an alternative, and the obvious choice Mr Speaker, is the PDP, the largest political party without factional tendencies.

*I pledge to be loyal and honest to the PDP and to use my experiences; as one time Council Chairman, former Deputy Speaker of my State Assembly and the immediate past AD Deputy Leader to increase geometrically the success frontiers of our party the **PDP**.*

I thank you Hon. Speaker and Hon. Colleagues for your kind understanding and support.

Accept Hon. Speaker assurances of my loyalty and highest regards.

(Signed)
Hon. Ishaku Joshua Shara, FPSN

- (b) Mr Speaker also read the following communication from Hon. Modu Alhaji Musa (Kukawa/Mobbar/Abadam/Guzamala Federal Constituency):

FEDERAL HOUSE OF REPRESENTATIVES

Kukawa/Mobbar/Abadam/Guzamala
Federal Constituency (Borno State)

March 2, 2006

THREE ARMS ZONE

The Hon. Speaker
House of Representatives
National Assembly Complex
Abuja



NATIONAL ASSEMBLY COMPLEX,

P.M.B.141,
GARKI, ABUJA,
(:08044134556

Dear Hon. Speaker

CHANGE OF POLITICAL PARTY: ALLIANCE FOR DEMOCRACY (AD) TO
PEOPLES DEMOCRATIC PARTY (PDP)

1 wish to formally inform Mr Speaker of my recent decision to change my political party as stated above.

This decision was taken after serious review of the longstanding quarrels and litigations along factional lines existing in the Alliance of Democracy (AD).

As a former Council Chairman, a one time member of Borno State Executive Council and a former AD stakeholder, my new party (PDP) will positively increase in my Constituency.

May I thank you Mr Speaker and Honourable Members for your support and hope that we will have the most cordial politicking at the PDP (Power).

Please receive the assurances of my highest esteem.

(Signed)

Hon. Modu Alhaji Musab

(in) Visitors:

Mr Speaker recognized the presence in the Gallery, of a delegation of the National Association of Political Science Students, Ahmadu Bello University, Zaria.

5. Presentation of Report:

Committee on Navy:

Motion made and Question proposed, "That this House do receive the Report of the House Committee on Navy on a Bill for an Act to Establish a Nigerian National Coast Guard Armed Force and for Connected Purposes" {Hon. Anthony Aziegbemi}.

Question put and agreed to.

Report Laid.

6. Ratification of Treaty:

Motion made and Question proposed, "That the House, having adopted the Report of the Committee of Whole on a Bill for an Act to Enable Effect to be Given in the Federal Republic of Nigeria to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage 1971, as Amended; and for Matters Connected Therewith 2006, do advise and consent to the Ratification of the Treaty in the form agreed to" (Hon. Abdul Ningi).

Question that the House do advise and consent to the ratification and enforcement of the Treaty in the form agreed to, resolved in the affirmative.

7. A Bill for an Act to Repeal Cap. P29 Laws of the Federation of Nigeria, 2004 and to make Comprehensive Provisions for the Administration of Prisons in Nigeria; and for Related Purposes, 2005 (HB. 186) — Second Reading:

Motion made and Question proposed, "That a Bill for an Act to Repeal Cap. P29 Laws of the Federation of Nigeria, 2004 and to make Comprehensive Provisions for the Administration of Prisons in Nigeria; and for Related Purposes, 2005 be now read a Second Time (Hon. Olajumoke Okoya-Thomas).

Debate:

Question that the Bill be read a Second Time, put and agreed to.

Bill read a Second Time and referred to the Committee on Internal Affairs.

8. Consideration of Reports:

(i) Joint Committee on Judiciary and Justice:

Motion made and Question proposed, "That this House do consider the Report of the Joint Committee on Judiciary and Justice on a Bill for an Act to Provide for the Re Establishment of the National Industrial Court as a Superior Court of Record and to Prescribe its Jurisdiction on Labour and Organizational Disputes; and for Matters Connected Therewith, 2005" (Hon. Ibn Na'Allah).

Question that the House do resolve into Committee of the Whole to consider the Report, agreed to.

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO PROVIDE FOR THE RE-ESTABLISHMENT OF THE NATIONAL INDUSTRIAL COURT AS A SUPERIOR COURT OF RECORD AND TO PRESCRIBE ITS JURISDICTION ON LABOUR AND ORGANIZATIONAL DISPUTES;

AND FOR MATTERS CONNECTED THEREWITH, 2006

Provisions in the Bill: Committee

Recommendation:

PART I—CONSTITUTION OF THE NATIONAL INDUSTRIAL COURT

Clause 1: Establishment of the National Industrial Court.

(1) There is hereby established a court to be known as the National Industrial Court (in this Act referred to as "the Court").

(2) The Court shall consist of—

(a) the President of the Court who shall have overall control and supervision of the administration of the Court; and

(b) not less than twelve Judges:

Provided that in appointing Judges for the court, one-third of the Judges so appointed shall satisfy the requirements of the provisions of subsection (4) (b) of section 2 of this Act

(3) The Court shall—

(a) be a superior court of record; and

(b) except as may be otherwise provided by any enactment or law, have all **the powers of a High Court** (Hon. Bala Ibn Na 'Allah) — Agreed to.

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

*Committee Recommendation:***Clause 2: Appointment of the President and Judges of the Court.**

- (1) The President of the Court shall be appointed by the President, on the recommendation of the National Judicial Council, subject to confirmation by the Senate.
- (2) The appointment of a person to the office of a Judge of the Court shall be made by the President on the recommendation of the National Judicial Council.
- (3) A person shall not be eligible to hold office of the President of the Court unless the person is qualified to practice as a legal practitioner in Nigeria and has been so qualified for a period of not less than ten years and has considerable knowledge and experience in the law and practice of industrial relations and employment conditions in Nigeria.
- (4) A person shall not be eligible to hold the office of a Judge of the court unless -
 - (a) the person is a legal practitioner in Nigeria and has been so qualified for a period of not less than ten years and has considerable knowledge and experience in the law and practice of industrial relations and employment conditions in Nigeria; or
 - (b) the person is a graduate of a recognised university of not less than ten years standing and has considerable knowledge and experience in the law and practice of industrial relations and employment conditions in Nigeria.
- (5) If the office of the President of the Court is vacant, or if the person holding the office is for any reason unable to perform the functions of the office, then until a person has been appointed to and assumed the functions of that office or until the person holding the office has resumed those functions, the President shall appoint the most senior Judge of the Court having the qualification to be appointed as President of the Court as provided under subsection (3) of this section to perform those functions.
- (6) Except on the recommendation of the National Judicial Council, an appointment pursuant to the provisions of subsection (5) of this section shall cease to have effect after the expiration of three months from the date of such appointment and the President shall not re-appoint a person whose appointment has lapsed.
- (7) Notwithstanding the provisions of subsections (1), (2), (3) and (4) of this section, any person holding the office of the President or ordinary member of the Court immediately before the commencement of this Act shall be deemed to have been appointed under this Act (*Hon. Bala Ibn Na'Allah*) — *Agreed to*.

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

*Committee Recommendation:***Clause 3: Tenure of office of the President and Judges of the Court.**

The provisions in the Constitution of the Federal Republic of Nigeria, 1999 relating to the tenure, removal, gratuity and pension of any person holding or appointed to act in the office of the Chief Judge or Judge of the Federal High Court, shall respectively apply to any person holding or appointed to act in the office of the President of the Court or as a Judge of the Court (*Hon. Bala Ibn Na 'Allah*) — *Agreed to*.

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

*Committee Recommendation:***Clause 4: Precedence.**

- (1) The President of the Court shall take precedence over the other Judges of the Court, and the other Judges shall take precedence after the President of the Court in order of seniority.

- (2) The President of the Court shall rank equal with the Chief Judge of the Federal High Court or the Chief Judge of the High Court of the Federal Capital Territory, Abuja in precedence and the Judges of the Court shall, in like manner, rank with the Judges of the Federal High Court or High Court of the Federal Capital Territory, Abuja (*Hon. Bala Ibn Na'Allah*) — *Agreed to*.

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

- Clause 5: Salaries and allowances of the President and Judges of the Court.
- (1) There shall be paid to—
- (a) the President of the Court, such salaries, emoluments and allowances as are payable to the Chief Judge of the Federal High Court or of the High Court of the Federal Capital Territory, Abuja; and
- (b) a Judge of the Court, such salaries, emoluments and allowances as are payable to a Judge of the Federal High Court or of the High Court of the Federal Capital Territory, Abuja.
- (2) Any amounts payable under this section shall be charged and paid out of the Consolidated Revenue Fund of the Federation in accordance with Section 81 (3) of the Constitution of the Federal Republic of Nigeria, 1999 (*Hon. Bala Ibn Na 'Allah*) — *Agreed to*.

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

Committee Recommendation:

- Clause 6: Seal of the Court.
- (1) The Court shall have and may use a seal bearing a device or impression approved by the President of the Court with the inscription "The National Industrial Court".
- (2) The seal of the Court shall be kept by the President of the Court and a duplicate thereof shall be kept by each of the other Judges and the President of the Court and other Judges may entrust the seal or the duplicate to such officers of the Court as they may think fit.
- (3) The seal shall be a seal of the Court for all purposes for which it may be required under the provisions of any enactment or Rule of court (*Hon. Bala Ibn Na 'Allah*) — *Agreed to*.

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

Committee Recommendation:

PART II—JURISDICTION AND LAW

- Clause 7: Jurisdiction, etc.
- (1) The Court shall have and exercise exclusive jurisdiction in civil causes and matters—
- (a) relating to—
- (i) labour, including trade unions and industrial relations; and
- (ii) environment and conditions of work, health, safety and welfare of labour, and matters incidental thereto; and
- (b) relating to the grant of any order to restrain any person or body from taking part in any strike, lockout or any industrial action, or any conduct in contemplation or in furtherance of a strike, lockout or any industrial action;
- (c) relating to the determination of any question as to the interpretation of —
- (0 any collective agreement,

- (ii) any award made by an arbitral tribunal in respect of a labour dispute or an organisational dispute,
 - (iii) the terms of settlement of any labour dispute, organisational dispute, as may be recorded in any memorandum of settlement,
 - (iv) any trade union constitution, and (v)
- any award or judgment of the Court.
- (2) The National Assembly may by an Act confer such additional jurisdiction on the Court in respect of such other causes or matters incidental, supplementary or related to those set out in Subsection (1) of this section.
 - (3) (3) Notwithstanding anything to the contrary in this Act or any other enactment or law, the National Assembly may by an Act prescribe that any matter under subsection (1) (a) of this section may go through the process of conciliation or arbitration before such matter is heard by the Court.
 - (4) An appeal shall lie from the decisions of an arbitral tribunal to the Court as of right in matters of disputes specified in subsection (1) (a) of this section.
 - (5) For the purposes of subsection (4) of this section, a party to an arbitral award shall be entitled to obtain a copy of the records of the arbitral proceedings and the award from the arbitral tribunal.
 - (6) The Court shall, in exercising its jurisdiction or any of the powers conferred upon it by this Act or any other enactment or law, have due regard to good or international best practice in labour or industrial relations and what amounts to good or international best practice in labour or industrial relations shall be a question of fact (*Hon. Bala Ibn Na 'Allah*) — *Agreed to*.

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

Committee Recommendation:

Clause 8:

Appellate jurisdiction.

The Court may, upon hearing an appeal under subsection (4) of section 7 of this Act, draw any inference of fact and —

- (a) confirm, vary or set aside the judgment, award or order of the court, tribunal or body mentioned therein; or
- (b) order a rehearing and determination on such terms as the Court may think just; or
- (c) order judgment to be entered for any party; or
- (d) make a final or other order on such terms as the Court may think fit to ensure the determination on the merits of the matter in dispute between the parties (*Hon. Bala Ibn Na 'Allah*) — *Agreed to*.

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

Clause 9:

Appeals to the Court of Appeal.

- (1) Subject to the provisions of the Constitution of the Federal Republic of Nigeria 1999 and subsection (2) of this section, no appeal shall lie from the decisions of the Court to the Court of Appeal or any other court except as may be prescribed by this Act or any other Act of the National Assembly.
- (2) An appeal from the decision of the Court shall lie only as of right to the Court of Appeal only on questions of fundamental rights as contained in Chapter IV of the Constitution of the Federal Republic of Nigeria, 1999 (*Hon. Bala Ibn Na 'Allah*) — *Agreed to*.

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

*Committee Recommendation:***Clause 10: Enforcement** of judgment.

The Court shall have the power to enforce its judgment and accordingly, may commit for contempt any person or a representative of a trade union or employers' organisation who commits any act or an omission which in the opinion of the Court constitutes a contempt of the Court (*Hon. Bala Ibn Na 'Allah*) — *Agreed to.*

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

*Committee Recommendation:***Clause 11: Cessation of jurisdiction, etc.**

- (1) In so far as jurisdiction is conferred upon the Court in respect of the causes or matters mentioned in the foregoing provisions of this Part of this Act, the Federal High Court, the High Court of a State, the High Court of the Federal Capital Territory, Abuja or any other court shall, to the extent that exclusive jurisdiction is so conferred upon the Court, cease to have jurisdiction in relation to such causes and matters.
- (2) Nothing in Subsection (1) of this section shall affect the jurisdiction and powers of the Federal High Court, the High Court of a State or of the Federal Capital Territory, Abuja to continue to hear and determine causes and matters which are part-heard before the commencement of this Act and any proceedings in any such causes or matters, not determined or concluded at the expiration of one year after the commencement of this Act, shall abate (*Hon. Bala Ibn Na 'Allah*) — *Agreed to.*

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

*Committee Recommendation:***Clause 12: Practice and procedure.**

- (1) The jurisdiction vested in the Court shall, so far as practice and procedure are concerned, be exercised in the manner provided by this Act or any other enactment or by such rules and orders of court as may be made pursuant to this Act or, in the absence of any such provisions, in substantial conformity with the practice and procedure of the Court existing immediately before the commencement of this Act.
- (2) Subject to this Act and any rules made thereunder, the Court-
 - fa) may regulate its procedure and proceedings as it thinks fit; and
 - (b) shall be bound by the Evidence Act but may depart from it in the interest of justice (*Hon. Bala Ibn Na 'Allah*) — *Agreed to.*

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

*Committee Recommendation:***Clause 13: Administration of law and equity.**

Subject to this Act, in every civil cause or matter commenced in the Court, law and equity shall be administered by the Court concurrently (*Hon. Bala Ibn Na 'Allah*) — *Agreed to.*

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

*Committee Recommendation:***Clause 14: Determination of matters completely and finally.**

The Court shall, in the exercise of the jurisdiction vested in it by or under this Act in every cause or matter, have power to grant, either absolutely or on such terms and conditions as the Court thinks just, all such remedies whatsoever as any of the parties thereto may appear to be entitled to in respect of any legal or equitable claim properly brought forward by the Court so that, as far as possible, all matters in dispute between the parties may be completely and finally determined and all multiplicity of legal proceedings concerning any of those matters avoided (*Hon. Bala Ibn Na 'Allah*) — *Agreed to.*

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

*Committee Recommendation:***Clause 15: Rules of equity to prevail.**

Subject to the express provisions of any other enactment, and in all matters not particularly mentioned in this Act in which there was formerly or there is any conflict or variance between the rules of equity and the rules of common law with reference to the same matter, the rules of equity shall prevail in the Court so far as the matters to which those rules relate are cognisable by the Court (*Hon. Bala Ibn Na 'Allah*) — *Agreed to.*

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

*Committee Recommendation:***Clause 16: Injunction.**

- (1) The Court may grant an injunction in all cases in which it appears to the Court to be just or convenient so to do.
- (2) Any such order may be made either unconditionally or on such terms and conditions as the Court thinks just (*Hon. Bala Ibn Na 'Allah*) — *Agreed to.*

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

*Committee Recommendation:***Clause 17: Orders of mandamus, prohibition and certiorari.**

- (1) The Court shall have the power to make an order of *mandamus* requiring any act to be done or an order of prohibition prohibiting any proceedings, cause or matter, or an order of *certiorari* removing any proceedings, cause or matter into the Court for any purpose.
- (2) The power conferred on the Court by this section to make an order of *mandamus*, prohibition or *certiorari* may be exercised notwithstanding that the order is made against an officer or authority of the Federal, State or Local Government as such.
- (3) Subject to the foregoing provisions of this section, the references in any written law or to any writ of *mandamus*, prohibition or *certiorari* shall be construed as references to an order corresponding thereto and the references to the issue or award of any such order shall in like manner be so construed (*Hon. Bala Ibn Na 'Allah*) — *Agreed to.*

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

*Committee Recommendation:***Clause 18: Injunction in lieu of quo warranto.**

In any case where any person acts in an office in which he is not entitled to act, the Court may grant an injunction restraining him from so acting and may (if the case so requires) declare the office to be vacant (*Hon. Bala Ibn Na'Allah*) — *Agreed to.*

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

*Committee Recommendation:***Clause 19: Power of the Court to make certain orders.**

The Court may in all other cases and where necessary make any appropriate order, including—

- (a) the grant of urgent interim relief's;
- (b) a declaratory order;
- (c) **the** appointment of a public trustee for the management of the affairs and finances of a trade union or employers' organisation involved in any organisational dispute;
- (d) an award of compensation or damages in any circumstance contemplated by this Act or any Act of the National Assembly dealing with any matter that the Court has jurisdiction to hear; and

- (e) an order of compliance with any provision of any Act of the National Assembly dealing with any matter that the Court has jurisdiction to hear (*Hon. Bala Ibn Na 'Allah*) — Agreed to.

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

Committee Recommendation:

Clause 20: Reconciliation in civil cases.

In any proceedings in the Court, the Court may promote reconciliation among the parties thereto and encourage and facilitate the amicable settlement thereof (*Hon. Bala Ibn Na 'Allah*) — Agreed to.

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

Committee Recommendation:

PART III—SITTING AND DISTRIBUTION OF BUSINESS.

Clause 21: Divisions of the Court.

- (1) The Court shall have and exercise jurisdiction throughout the Federation, and for that purpose the whole area of the Federation shall be divided by the President of the Court into such number of Judicial Divisions, as the President may, from time to time, by Instrument published in the Federal Gazette decide, and may, designate any such Judicial Division or part thereof by such name as he thinks fit.
- (2) The Court may sit in any Judicial Division as the President of the Court may direct, and he may also direct a number of Judges to sit in any Judicial Division.
- (3) The President of the Court shall determine the distribution of the business before the Court amongst the Judges thereof and may assign any judicial function to any Judge or Judges or in respect of a particular cause or matter in a Judicial Division.
- (4) Subject to this Act, the Rules of Court made pursuant to section 36 of this Act and the directions of the President of the Court, the Court shall be constituted of not less than three Judges:

Provided that the Presiding Judge shall be a Judge appointed under subsection (3) or (4) (a) of section 2 of this Act .

- (5) Notwithstanding subsection (4) of this section, the President of the Court may assign a single Judge of the Court to sit and hear interlocutory applications or a preliminary matter in any proceedings brought before or pending in the Court:

Provided that such Judge shall be a Judge appointed under subsection (3) or (4) (a) of section 2 of this Act (*Hon. Bala Ibn Na 'Allah*) — Agreed to.

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

Committee Recommendation:

Clause 22: Sittings.

- (1) Subject to the Rules of Court and to any provisions pertaining to vacations as may be prescribed by the President of the Court, the Court shall open throughout the year for the transaction of any pending general legal business.
- (2) Provisions shall be made in the Rules of Court for the hearing of all such applications as may be required to be expeditiously or urgently heard (*Hon. Bala Ibn Na 'Allah*) — Agreed to.

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

Committee Recommendation:

Clause 23: Lack of quorum.

Where the Court is unable to form a quorum and no arrangement can be made to ensure that a quorum is formed, the Court shall stand adjourned from day-to-day until a quorum is formed for the purpose of hearing the case, or until the Court shall be adjourned or closed by order under the hand of the Presiding Judge (*Hon. Bala Ibn Na 'Allah*) — Agreed to.

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

Committee Recommendation:

Clause 24: **Power of transfer.**

- (1) A panel of Judges constituted to hear a case may, at any time or at any stage of the proceedings in any cause or matter before final judgment, either with or without application from any of the parties thereto, transfer such cause or matter before the court to any other panel of Judges.
- (2) No cause or matter shall be struck out by the Court merely on the ground that such cause or matter was taken in the Court instead of the Federal High Court or the High Court of a State or of the Federal Capital Territory, Abuja in which it ought to have been brought, and the Court before whom such cause or matter is brought may cause such cause or matter to be transferred to the appropriate Federal High Court or the High Court of a State or of the Federal Capital Territory, Abuja in accordance with Rules of Court to be made under Section 36 of this Act.
- (3) Notwithstanding anything to the contrary in any enactment or law, no cause or matter shall be struck out by the Federal High Court or the High Court of a State or of the Federal Capital Territory, Abuja on the ground that such cause or matter was not brought in the appropriate Court in which it ought to have been brought, and the Court before whom such cause or matter is brought may cause such cause or matter to be transferred to the appropriate Judicial Division of the Court in accordance with such rules of court as may be in force in that High Court or made under any enactment or law empowering the making of rules of court generally which enactment or law shall by virtue of this subsection be deemed also to include the power to make rules of court for the purposes of this subsection.
- (4) Every order of transfer made pursuant to Subsections (2) and (3) of this section shall operate as a stay of proceedings before the court before which such proceedings are brought or instituted and shall not be subject to appeal.
- (5) Where the court to which any cause or matter has been transferred, pursuant to Subsection (2) or (3) of this section, is of the opinion that the cause or matter ought in law to be dealt with by the court which transferred the cause or matter, the first mentioned court shall, after hearing counsel on behalf of the parties, state a case on a point of law for the opinion of the Court of Appeal.
- (6) Where any case on a point of law is stated for the opinion of the Court of Appeal, the Court of Appeal shall, in accordance with rules applicable in that court, give its decision upon the case and the court which stated the case shall dispose of the cause or matter accordingly (*Hon. Bala Ibn Na 'Allah*) — *Agreed to.*

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

Committee Recommendation:

Clause 25: **Proceedings to be disposed of by a panel of Judges.**

Every proceeding in the Court and all business arising there from shall, so far as practicable and convenient and subject to the provisions of any enactment or law and the Rules of Court made pursuant to Section 36 of this Act, be heard and disposed of by a panel consisting of not less than three Judges as the President of the Court may direct, and all proceedings in an action subsequent to the hearing or trial, down to and including the final Judgment or order, shall, so far as is practicable and convenient, be taken before the panel of Judges before whom the trial or hearing took place (*Hon. Bala Ibn Na'Allah*) — *Agreed to.*

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

Committee Recommendation:

Clause 26: **Powers of a panel of Judges in court or in chambers.**

A panel of Judges to whom a case is assigned may, subject to Rules of Court, exercise in court or in chambers all or any part of the jurisdiction vested in the Court in all such causes and matters and in all such proceedings in any cause or matter as may be heard conveniently in court or in chambers respectively (*Hon. Bala Ibn Na 'Allah*) — *Agreed to.*

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

Committee Recommendation:

Clause 27: Discharge of orders made in chambers.
Subject to the provisions of this Act and the Rules of Court made pursuant thereto, every order made by a panel of Judges in chambers, except orders as to costs only, may upon notice be set aside or discharged by the panel of Judges sitting in Court {*Hon. Bala Ibn Na'Allah*} — *Agreed to.*

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

Committee Recommendation:

PART IV—GENERAL PROVISIONS AS TO TRIAL AND PROCEDURE

Clause 28: Decision of the Court.
(1) Every decision of the Court shall be in writing.
(2) Every decision of the Court shall be taken, in the event of a difference between the Judges dealing with the case, by the votes of a majority of the Judges.
(3) For the purpose of delivering its decision, judgment or ruling, the Court shall be deemed to have been duly constituted if at least one Judge of the panel sits for that purpose (*Hon. Bala Ibn Na'Allah*) — *Agreed to.*

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

Committee Recommendation:

Clause 29: Use of assessors.
(1) In any civil cause or matter, the Court may, if it thinks it expedient so to do or in a manner prescribed under any enactment, law, or Rules of Court, call in the aid of one or more assessors specially qualified and try and hear the cause or matter wholly or partially with the assistance of such assessors.
(2) The remuneration, if any, to be paid to an assessor shall be determined by the Court on the direction of the President of the Court or as may be otherwise prescribed pursuant to this Act or any other enactment or law or any Regulations made pursuant thereto (*Hon. Bala Ibn Na 'Allah*) — *Agreed to.*

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

Committee Recommendation:

Clause 30: Reference for report.
(1) Subject to the Rules of Court, the Court may refer to an official or special referee for inquiry or report any question arising in any cause or matter.
(2) The Report of an official or special referee may be adopted wholly or partially by the Court and if so adopted, may be endorsed as a judgment or order to the same effect (*Hon. Bala Ibn Na 'Allah*) — *Agreed to.*

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

Committee Recommendation:

Clause 31: Reference for trial.
In any cause or matter —
(a) if all the parties interested, who are not under disability, consent; or
(b) if the cause or matter requires any prolonged examination of documents or any scientific or local investigation which cannot, in the opinion of the Court, conveniently be conducted by the Court through its ordinary officers; or
(c) if the matter in dispute consists wholly or in part of accounts,
The Court may at any time order the whole cause or matter, or any question or issue of fact arising therein, to be tried before a special referee, an official referee, officer of the Court or Arbitrator respectively agreed on by the parties (*Hon. Bala Ibn Na 'Allah*) — *Agreed to.*

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

Committee Recommendation:

Clause 32: Powers and remuneration of referees and arbitrators.

- (1) In all cases of reference to an official or special referee or arbitrator, the official or special referee or arbitrator shall be deemed to be an officer of the Court and, subject to Rules of Court, shall have such authority, and conduct the reference in such manner, as the Court may direct.
- (2) The report of an official or special referee on any reference shall, if adopted and not set aside by the Court, be equivalent to a finding of the Court.
- (3) An award of an arbitrator on any reference, shall unless set aside, be binding on the Court and equivalent to its finding.
- (4) The remuneration to be paid to a special referee or arbitrator to whom any matter is referred under an order of the Court shall be determined by the Court on the direction of the President of the Court (*Hon. Bala Ibn Na 'Allah*) — *Agreed to.*

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

Committee Recommendation:

Clause 33: Statement of case pending arbitration.

A referee or arbitrator may at any stage of the proceedings under a reference, and shall, if so directed by the Court, state in the form of a special case for the opinion of the Court any question of law arising in the course of the reference (*Hon. Bala Ibn Na 'Allah*) — *Agreed to.*

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

Committee Recommendation:

Clause 34: Power of the Court to impose terms as to costs.

An order made under the provisions of this Act relating to inquiries and trials by referees may be made on such terms as to costs or otherwise as the Court thinks fit (*Hon. Bala Ibn Na 'Allah*) — *Agreed to.*

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

Committee Recommendation:

Clause 35: Meaning of "reference".

In the provisions of this Act relating to inquiries and trials by referees, unless the context otherwise requires, the expression "reference" relates to a reference under an order made by the Court under the said provisions (*Hon. Bala Ibn Na 'Allah*) — *Agreed to.*

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

Committee Recommendation:

PART V—RULES OF COURT

Clause 36: Power to make Rules of Court.

- (1) The President of the Court may make Rules, of Court for carrying into effect the provisions of this Act, and in particular—
 - (a) regulating the practice and procedure of the Court, including all matters connected with the forms to be used, and the fees to be paid;
 - (b) prescribing the practice and procedure upon an appeal or an application to the Court where provision is made in any enactment or law for such an appeal or such an application;
 - (c) regulating the practice and procedure in cases where an order of *mandamus*, prohibition or *certiorari* is sought or proceedings are taken for an injunction or declaratory order;

- (d) regulating, subject to the provisions of this Act, trials by the Court with assessors;
- (e) regulating—
 - (i) the fees to be paid, and
 - (ii) the taxation and recovery of fees and disbursements;
- (f) defining, so far as may be conveniently defined by general rules, the duties of the several officers of Court;
- (g) regulating, subject to the provisions of this Act, the sittings of the Court and of the Judges thereof whether sitting in Court or chambers, the business and hours of the Court and of the offices connected therewith, and the conduct of the business of the Court during vacation;
- (h) prescribing what part of the business which may be transacted and of the Jurisdiction which may be exercised by Judges of the Court in chambers or may be transacted or exercised by registrars or other officers of the Court;
- (i) regulating any matters relating to the cost of proceedings in the Court;
- (j) regulating the means by which any judgment or decree of any court outside Nigeria or of the Supreme Court of Nigeria (or the former Federal Supreme Court), Court of Appeal, High Court or other superior court established or to be established elsewhere in Nigeria, which it is necessary to prove or lawful to enforce shall be proved or enforced;
- (k) regulating the procedure for the detention and trial of any person charged for contempt before the Court;
- (l) regulating the payment of allowances, and traveling expenses of witnesses;
- t
- (m) imposing penalties on any person who fails to take any action required by a Rule of Court or who disobeys any Rule of Court;
- (n) for requiring and regulating the filing of accounts;
- (o) for regulating the procedure in respect of any matter in which the Court has and may exercise original or appellate jurisdiction under this Act and for fixing the fees payable or providing that no fees be paid or that certain fees need not be paid;
- (p) for ascertaining the value of anything that requires to be ascertained;
- (q) for regulating and prescribing the duties and procedure for assessors, referees and arbitrators;
- (r) for regulating the means by which particular facts may be proved, and the mode in which evidence thereof may be given in any proceedings or on any application in connection with or at any stage of any proceedings;
- (s) for providing for the service or execution of any writ, warrant, order or other process issuing out of the Court, the payment of mileage allowance before or after service or execution, the conditions precedent before any such process or process of certain classes will be served or executed and the procedure to be followed after the service or execution of such process;

- (t) for providing for the taking of notes whether manually or by electronic device of evidence and proceedings in the Court and for the payment of fees for the taking of notes out of public funds, and for fixing the charges for the making and supply of transcripts of the notes, and for the payment of such charges either by the parties to the proceedings or out of public funds;
- (u) prescribing the procedure, for the transfer of proceedings from the Court to the Federal High Court, the High Court of a State or of the Federal Capital Territory; and
- (v) for prescribing vacations.

(2) Rules of Court made under this section shall apply to all proceedings by or against the Government of the Federation or of a State or a Local Government (*Hon. Bala Ibn Na 'Allah*) — *Agreed to.*

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

Committee Recommendation:

PART VI—MISCELLANEOUS

Clause 37: Chief Registrar and other officers of the Court.

- (1) **The** Federal Judicial Service Commission may, from time to time, appoint a fit and proper person to be the Chief Registrar of the Court who shall perform such duties in execution of the powers and authorities of the Court as may, from time to time, be assigned to him by Rules of Court and, subject thereto, by any special order of the President of the Court.
- (2) The Federal Judicial Service Commission may, from time to time, appoint registrars, deputy registrars and such other officers as may be deemed necessary who shall perform such duties with respect to business before the Court as may be directed by Rules of Court and any order of the President of Court.
- (3) The Chief Registrar, registrars and deputy registrars shall have power to administer oaths and perform such other duties with respect to any proceedings in the Court as may be prescribed by the Rules of Court or by any special order of the President of the Court.
- (4) Any person holding the office of Chief Registrar, registrar, deputy registrar or any other office in the Court immediately before the commencement of this Act shall be deemed to have been appointed under this Act and shall continue to hold such office under such terms and conditions not less favourable than those obtaining immediately before the commencement of this Act (*Hon. Bala Ibn Na 'Allah*) — *Agreed to.*

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

Committee Recommendation:

Clause 38: Negligence or misconduct of officers.

If an officer of the Court, employed to execute an order, willfully or by neglect loses the opportunity of executing it, then on complaint of the person aggrieved, and proof of the act alleged, the Court may, if it thinks fit, order the officer to pay the damages sustained by the person complaining, or part thereof, and the order shall be enforced as an order directing payment of money (*Hon. Bala Ibn Na 'Allah*) — *Agreed to.*

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

Committee Recommendation:

Clause 39: Restriction on officers of the Court buying property sold at execution.

No person in permanent employment as an officer of the Court shall or may directly or indirectly or by the intervention of a trustee or otherwise purchase any property sold at execution and in the event of any such person purchasing or being interested in the purchase of any property at an execution sale, such purchase shall be entirely void:

Provided that nothing in this section shall prevent any such person from purchasing by leave of the Court at an execution sale any property which it may be necessary for him to purchase in order to protect the interest of himself, his wife or child (*Hon. Bala Ibn Na 'Allah*) — *Agreed to.*

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

Committee Recommendation:

Clause 40: Costs.

Subject to the provisions of this Act or any other enactment, Rules of Court or law, the costs of and incidental to all proceedings in the Court shall be in the discretion of the Court and the Court shall have full power to determine by whom and to what extent the costs are to be paid (*Hon. Bala Ibn Na 'Allah*) — *Agreed to.*

Question that Clause 40 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 41: Allowances to witnesses.

- (1) The Court may, in any matter, order and allow to all persons required to attend, or examined as witnesses, such sum or sums of money as may be specified by Rules of Court as well as for defraying the reasonable expenses of such witnesses as for allowing them a reasonable compensation for their trouble and loss of time.
- (2) No person may refuse to attend as a witness, or to give evidence when so required by process of the Court, on the ground that his expenses have not been first paid or provided for (*Hon. Bala Ibn Na 'Allah*) — *Agreed to.*

Question that Clause 41 as amended, stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 42: How allowances are to be defrayed.

All sums of money so allowed shall be paid in civil proceedings by the part on whose behalf the witness is called and shall be recoverable as ordinary costs of suit if the Court shall so order (*Hon. Bala Ibn Na 'Allah*) — *Agreed to.*

Question that Clause 42 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 43: Person in Court may be required to give evidence though not summoned.

Any person present in Court, whether a party or not in a cause or matter, may be compelled by the Court to give evidence or produce any document in his possession or in his power in the same manner and subject to the same rules as if he had been summoned to attend and give evidence or produce such document and may be punished for any refusal to obey the order of the Court (*Hon. Bala Ibn Na 'Allah*) — *Agreed to.*

Question that Clause 43 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 44: Witness summons in civil causes and matters.

The Court may issue a summons for bringing up any person under civil process to be examined as a witness in any cause or matter pending or to be inquired into in the Court (*Hon. Bala Ibn Na 'Allah*) — *Agreed to.*

Question that Clause 44 as amended, stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 45: Representation of the Government.

In any civil cause or matter in which the Government of the Federation or any public officer in his official capacity is a party or in any civil cause or matter affecting the activities of the Government of the Federation, that Government or that officer may be represented by a law officer, State Counsel, or any legal practitioner or other person duly authorised in that behalf by or on behalf of the Attorney-General of the Federation (*Hon. Bala Ibn Na 'Allah*) — *Agreed to.*

Question that Clause 45 stand part of the Bill, put and agreed to.

*Committee Recommendation:***Clause 46: Right to practice. Cap. 207 LFN.**

All persons admitted as legal practitioners to practise in Nigeria shall, subject to the provisions of the Constitution of the Federal Republic of Nigeria 1999 and the Legal Practitioners Act, have the right to practise in the Court:

Provided that a party to a dispute before the Court may represent himself or herself or be represented by the organisation to which he or she belongs {*Hon. Bala Ibn Na'Allah*} — *Agreed to.*

Question that Clause 46 as amended, stand part of the Bill, put and agreed to.

*Committee Recommendation:***Clause 47: Appeal not to operate as a stay of execution.**

Where permitted by this Act or any other Act of the National Assembly, an appeal to the Court of Appeal from the decision of the Court shall not operate as a stay of execution but the Court may order a stay of execution either unconditionally or upon the performance of such conditions as may be imposed in accordance with Rules of Court {*Hon. Bala Ibn Na 'Allah*} — *Agreed to.*

Question that Clause 47 stand part of the Bill, put and agreed to.

*Committee Recommendation:***Clause 48: Notes of evidence and minutes of proceedings to be kept by presiding Judge.**

- (1) In every cause or matter the Court shall take down in writing the substance of all oral evidence given before the Court and minutes of the proceedings, and shall sign the same at any adjournment of the case and at the conclusion thereof:

Provided that the Court may cause the whole or any part of the proceedings to be recorded either manually or by electronic devices by an official employed for that purpose except that the transcript of such recording shall be transcribed and duly authenticated by the signature of the presiding Judge in a manner prescribed by Rules of Court.

- (2) No person shall be entitled, as of right, to the inspection of or to, a copy of the records so kept pursuant to Subsection (1) of this section, except as may be imposed by Rules of Court.
- (3) The record so kept pursuant to subsection (1) of this section, or a copy thereof signed and certified by the registrar as a true copy shall at all times without further proof, be admitted as evidence of such proceedings and of statements made by the witnesses {*Hon. Bala Ibn Na'Allah*} — *Agreed to.*

Question that Clause 48 stand part of the Bill, put and agreed to.

*Committee Recommendation:***Clause 49: Inspection.**

In any case the Court may on the application of either party, or of its own motion, make such order for the inspection by the Court, the parties or witnesses of any movable or immovable property, the inspection of which may be material to the proper determination of the question in dispute, and give such, direction respecting such inspection as to the Court may seem fit {*Hon. Bala Ibn Na 'Allah*} — *Agreed to.*

Question that Clause 49 stand part of the Bill, put and agreed to.

*Committee Recommendation:***Clause 50: President of the Court may appoint commissioners for affidavits or for taking evidence.**

The President of the Court may appoint under his hand and seal of the Court, from time to time, such and so many persons as may be requisite to be commissioners for taking affidavits and declarations and receiving production of documents, or for taking the examination of witnesses on interrogatories or otherwise which may be necessary to be taken in respect of any proceedings in the Court, and any order of the Court for the attendance and examination of witnesses or production of documents before any such commissioner shall be enforced in the same manner as an order to attend and be examined or produce documents before the Court {*Hon. Bala Ibn Na'Allah*} — *Agreed to.*

Question that Clause 50 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 51: Protection of commissioners from action.

No action shall be brought against any commissioner in respect of any act or order performed or made bona fide by him in the execution, or supposed execution of the powers or jurisdiction vested in him, but every such act or order if in excess of such powers and jurisdiction shall be liable to be revised, altered, amended or set aside upon summary application to the Court (*Hon. Bala Ibn Na'Allah*) — *Agreed to.*

Question that Clause 51 as amended, stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 52: Judicial officers not liable to be sued if they acted in good faith.

- (1) No Judge or other person acting judicially shall be liable to be sued in any court for any act done or ordered to be done by him in the discharge of his judicial duty, whether or not within the limits of his jurisdiction.
- (2) No officer of the Court or other person bound to execute the lawful, orders of any such Judge or other person acting judicially shall be liable to be sued in any court, for the execution of any warrant or order which he would be bound to execute (*Hon. Bala Ibn Na'Allah*) — *Agreed to.*

Question that Clause 52 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 53: Repeal of Part II of Cap. 432 LFN 1990, etc.

- (1) Part II of the Trade Disputes Act is hereby repealed.
- (2) Without prejudice to the provisions of subsection (1) of this section, the other provisions of the Trade Disputes Act shall be construed with such modifications as may be necessary to bring it into conformity with the provisions of this Act.
- (3) If any provision of the Trade Disputes Act is inconsistent with the provision of this Act the provisions of this Act shall prevail (*Hon. Bala Ibn Na 'Allah*) — *Agreed to.*

Question that Clause 53 as amended, stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 54: Interpretation.

- (1) In this Act, unless, the context otherwise requires—

"action" means a civil proceeding commenced by writ or in such other manner as may be prescribed by Rules of Court but does not include a criminal proceeding (*Hon. Bala Ibn Na'Allah*)-

Question that the meaning of the word "action " be as defined in the Interpretation to this Act, put and agreed to.

"cause" includes any action, suit or other original proceeding between a claimant and a defendant and any contempt proceedings (*Hon. Bala Ibn Na'Allah*);

Question that the meaning of the word "cause" be as defined in the Interpretation to this Act, put and agreed to.

"claimant" includes every person asking any relief (otherwise than by way of counterclaim as a defendant) against any other person by any form of proceeding, whether the proceeding is by action, suit, petition, motion, summons or otherwise (*Hon. Bala Ibn Na'Allah*);

Question that the meaning of the word "claimant" be as defined in the Interpretation to this Act, put and agreed to.

"collective agreement" means any agreement in writing regarding working conditions and terms of employment concluded between—

- (a) an Organisation of employers or an Organisation representing employers (or an association of such organisations), of the one part, and
- (b) an Organisation of employees or an Organisation representing employees (or an association of such organisations) of the other part (*Hon. Bala Ibn Na'Allah*);

Question that the meaning of the words "collective agreement" be as defined in the Interpretation to this Act, put and agreed to.

"Constitution" means the Constitution of the Federal Republic of Nigeria (*Hon. Bala Ibn Na'Allah*);

Question that the meaning of the word "Constitution" be as defined in the Interpretation to this Act, put and agreed to.

"Court" means the National Industrial Court and includes the Judges of the National Industrial Court sitting together or separately (*Hon. Bala Ibn Na'Allah*);

Question that the meaning of the word "court" be as defined in the Interpretation to this Act, put and agreed to.

"Court of Appeal" means the Court of Appeal as established by the Constitution of the Federal Republic of Nigeria, 1999 (*Hon. Bala Ibn Na 'Allah*);

Question that the meaning of the words "Court of Appeal" be as defined in the Interpretation to this Act, put and agreed to.

"employee" means a person employed by another under oral or written contract of employment whether on a continuous, part-time, temporary or casual basis and includes a domestic servant who is not a member of the family of the employer (*Hon. Bala Ibn Na'Allah*);

Question that the meaning of the word "employee" be as defined in the Interpretation to this Act, put and agreed to.

"employer" means any individual or body corporate or unincorporated who has entered into a contract of employment to employ any other person as an employee or apprentice (*Hon. Bala Ibn Na 'Allah*);

Question that the meaning of the word "employer" be as defined in the Interpretation to this Act, put and agreed to.

"enactment"¹ means any Act of the National Assembly (including this Act) or law having effect with respect to the Federation or applicable or having effect as Federal law (*Hon, Bala Ibn Na'Allah*);

Question that the meaning of the word "enactment" be as defined in the Interpretation to this Act, put and agreed to.

"Inter-union dispute" means dispute between trade unions or employers' associations (*Hon. Bala Ibn Na'Allah*);

Question that the meaning of the word "Inter-union dispute" be as defined in the Interpretation to this Act, put and agreed to.

"intra-union dispute" means dispute within a trade union or an employers' association (*Hon. Bala Ibn Na'Allah*);

Question that the meaning of the words "intra-union dispute" be as defined in the Interpretation to this Act, put and agreed to.

"Judge" except where the reference is to the Judge of the Federal high Court or of a High Court of a State or the Capital Territory, Abuja, means the President or other Judge of the National Industrial Court (*Hon. Bala Ibn Na 'Allah*);

Question that the meaning of the word "Judge" be as defined in the Interpretation to this Act, put and agreed to.

"judgment" includes a decision, decree or order of court of record (*Hon. Bala Ibn Na'Allah*);

Question that the meaning of the word "judgment" be as defined in the Interpretation to this Act, put and agreed to.

"matter" includes every proceeding in court or order in a cause (*Hon. Bala Ibn Na'Allah*);

Question that the meaning of the word "matter" be as defined in the Interpretation to this Act, put and agreed to.

"National Industrial Court" means the National Industrial Court reconstituted under section 1 of this Act (*Hon. Bala Ibn Na'Allah*);

Question that the meaning of the words "National Industrial Court" be as defined in the Interpretation to this Act, put and agreed to.

"Organisation" includes a trade union or an employers' association (*Hon. Bala Ibn Na'Allah*);

Question that the meaning of the word 'Organisation " be as defined in the Interpretation to this Act, put and agreed to.

"organisational dispute" includes disputes within or between organisations (*Hon. Bala Ibn Na'Allah*);

Question that the meaning of the words "organisational dispute " be as defined in the Interpretation to this Act, put and agreed to.

"party" includes every person served with notice of, or attending, any proceeding, who, although not named on the record of the proceeding, has the like interest in the subject matter of the proceeding as a person named on the record of the proceedings (*Hon. Bala Ibn Na'Allah*);

Question that the meaning of the word "party" be as defined in the Interpretation to this Act, put and agreed to.

"President" means the President of the Federal Republic of Nigeria (*Hon. Bala Ibn Na'Allah*);

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

"President of the Court" means the President of the National Industrial Court appointed under Section 2 of this Act (*Hon. Bala Ibn Na 'Allah*);

Question that the meaning of the words "President of the Court" be as defined in the Interpretation to this Act, put and agreed to.

"registrar" includes the Chief Registrar and all other registrars of the Court (*Hon. Bala Ibn Na'Allah*);

Question that the meaning of the word "registrar" be as defined in the Interpretation to this Act, put and agreed to.

"sexual harassment" means any unwelcome sexual advance, conduct or request made by an employer, manager, supervisor or a Co-Employee to an employee, whether the employee is a man or woman and includes any conduct of a sexual nature which creates an intimidating, hostile, degrading or offensive environment (Hon. Bala Ibn Na'Allah);

Question that the meaning of the words "sexual harassment" be as defined in the Interpretation to this Act, put and agreed to.

"suit" includes action (Hon. Bala Ibn Na'Allah);

Question that the meaning of the word "suit" be as defined in the Interpretation to this Act, put and agreed to.

"trade dispute" means any dispute between employers and employees, including disputes between their respective organisations and federations which is connected with —

- (a) the employment or non-employment of any person,
- (b) terms of employment and physical conditions of work of any person,
- (c) the conclusion or variation of a collective agreement, and
- (d) an alleged dispute (Hon. Bala Ibn Na 'Allah);

Question that the meaning of the words "trade dispute " be as defined in the Interpretation to this Act, put and agreed to.

- (2) For enabling full effect to be given to the provisions of this Act—
 - (a) any reference (whether express or by necessary implication) in any enactment (other than the Constitution of the Federal Republic of Nigeria, 1999) to "the Federal High Court", "High Court of the Federal Capital Territory, Abuja", "High Court", "court of law" or a "court of record"—
 - (i) in so far as the reference relates to or is connected with the jurisdiction, powers, practice and procedure of a High Court, and
 - (ii) except in so far as it is inconsistent with the provisions of this Act, shall include a reference to the Court established by this Act; and
 - (b) all references (whether express or by necessary implication) in any enactment (other than the Constitution of the Federal Republic of Nigeria) to the High Court of a State in so far as the enactment—
 - (i) is of general application throughout the Federation, and
 - (ii) relates to a matter as respects which jurisdiction is conferred upon the Court by or under this Act,

shall be construed as references to the Court, notwithstanding that in an appropriate case, the enactment is, or has become, by operation of law, a law of a State.
- (3) The powers conferred upon the Attorney-General of the Federation and exercisable by him or the Attorney-General of a State under the Constitution or anything made thereunder shall, to the extent that jurisdiction is conferred upon the Court, the Federal High Court, or the High Court of a State, or of the Federal Capital Territory, Abuja by or pursuant to this Act, be exercisable subject as in this Act otherwise provided, and that section and any other enactment in law pertaining thereto shall be so construed.

- (4) For the avoidance of doubt, the following enactments-fa)

the Regional Courts (Federal Jurisdiction) Act;

Cap. 192 LFN.

- (b) Section 31 of the Interpretation Act;

Cap. 432 LFN.

- (c) Trade Disputes Act; and

- (d) such other Federal enactment as the President may by order specify,

shall be construed with such modifications as may be necessary to bring them into conformity with the provisions of this Act (*Hon. Bala Ibn Na 'Allah*) — *Agreed to.*

Question that Clause 54 as amended, stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 55: Short Title.

This Act may be cited as the National Industrial Court Bill, 2006 (*Hon. Bala Ibn Na 'Allah*) — *Agreed to.*

Question that Clause 55 as amended, stand part of the Bill, put and agreed to.

Committee Recommendation:

Long Title.

An Act to Provide for the Establishment of the National Industrial Court As a Superior Court of Record and For Matters connected therewith (*Hon. Bala Ibn Na'AHah*) — *Agreed to.*

Question that the Long Title as amended, stand part of the Bill, put and agreed to.

Committee Recommendation:

Explanatory Memorandum

The Bill seeks to establish the National Industrial Court as a superior court of record and to confer jurisdiction on the Court with respect to labour and industrial relations matters (*Hon. Bala Ibn Na'Allah*) — *Agreed to.*

Question that the Explanatory Memorandum as amended, stand part of the Bill, put and agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in the Committee of Whole considered the Report of the Joint Committee on Judiciary and Justice on a Bill for an Act to Provide for the Re-Establishment of the National Industrial Court as a Superior Court of Record and to Prescribe its Jurisdiction on Labour and Organizational Disputes; and for Matters Connected Therewith, 2006. It approved Clauses 1, 2, 3, 4, 5 as amended, Clauses 6, 7, 8 and 9 as amended, Clauses 10, 11 and 12 as amended, Clauses 13, 14, 15, 16, 17, 18, 19 and 20, Clause 21 as amended, Clauses 22, 23, 24 and Clause 25 as amended, Clauses **26**, 27, Clause 28 as amended, Clauses 29, 30, 31 and Clause 32 as amended, Clauses 33, 34, 35, 36, 37 and Clause 38 as amended, Clauses 39, 40 and 41 as amended, Clauses 42 and 43, Clause 44 as amended, Clause 45, Clause 46 as amended, Clauses 47, 48, 49, 50, 51, 52 and 53, Clause 54 as amended and Clause 55 as amended, the Long Title and Explanatory Memorandum as amended.

Question that the House do adopt the Report of the Committee of Whole, put and agreed to.

(ii) Committee on Sports and Social Development:

*Motion made and Question proposed, "That this House do consider the Report of the House Committee on Sports and Social Development on the Investigation into the Financial Activities of the Nigeria Football Association and approve the recommendations therein" (*Hon. Danlami Joel Ikenya*)*

Question that the House do resolve into Committee of the Whole to consider the Report, agreed to.

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

REPORT OF THE HOUSE COMMITTEE ON SPORTS AND SOCIAL
DEVELOPMENT ON THE INVESTIGATION INTO THE FINANCIAL ACTIVITIES
OF THE NIGERIA FOOTBALL ASSOCIATION

Debate:

Recommendation (i):

The NFA Chairman, Alh. Ibrahim Galadima and Secretary General Taiwo Ogunjobi carried out some significant expenditure without recourse to any Budget and in some cases double expenditure as money was received from the Ministry for the same purpose e.g. expenditure from sponsorship fund, CAF and FIFA grants. This is a clear case of maladministration and misappropriation of funds. The Auditor General, as a matter of urgency, should audit the accounts of NFA from 1999 to 2005 and send its report to the National Assembly (*Hon. Danlami Joel Ikenya*).

Amendment Proposed:

Leave out all the words in the Recommendation and *insert* the following instead thereof: "The NFA Chairman Alh. Ibrahim Galadima and Secretary-General Taiwo Ogunjobi carried out some significant expenditure without recourse to any budget and in some cases double expenditure was incurred as money was received from the Ministry for the same purpose which other sponsors had earlier catered for. The Auditor-General, as a matter of urgency should audit the accounts of NFA from 1999 to 2005 and send its report to the National Assembly" (*Hon. Abubakar Momoh*).

Question that the Amendment be made put and agreed to.

Recommendation (ii):

The Board Members and the Management staff of NFA within this period under audit should stay clear from the Association until the assignment is completed (*Hon. Danlami Joel Ikenya*).

Amendment Proposed:

Leave out all the words in the Recommendation (*Hon. Abdul Ningi*).

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

Recommendation (iii):

The Provision of Section 82 of the Constitution of the Federal Republic of Nigeria as it relates to the withdrawal of money from the Consolidated Fund of the Federation for the purpose of meeting expenditure necessary at the beginning of a year before coming into operation of the Appropriation Act should be enforced on the Federal Ministry of Finance to ensure adequate preparation and participation in International Sporting activities at the beginning of the year (*Hon. Danlami Joel Ikenya*).

Question put and agreed to.

Recommendation (iv):

The NFA must as a matter of Constitutional compliance and obedience to its establishing Act, disclose and submit a detailed budget profile on all its incomes from the Ministry and other sources to:

- (a) Its Congress;
- (b) The Ministry of Sports for further processes and appropriation by the National Assembly (*Hon. Danlami Joel Ikenya*).

Question put and agreed to.

Recommendation (v):

Financial Regulation and proper financial records must be maintained by the N.F.A in accordance with the Civil Service Rules and Regulations on Public accountability (*Hon. Danlami Joel Ikenya*).

Amendment Proposed:

Leave out all the words in the Recommendation and *insert* the following instead thereof:
"Proper financial records must be maintained by the NFA in accordance with extant Financial Regulations"
(*Hon. Almajir Geidam*).

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

Recommendation (vi):

The welfare, salaries, allowances, air tickets etc of coaches and players should be given appropriate consideration to boost morale for better control system and improved performance. Our home bred coaches should be remunerated with packages that are commensurate with their experiences. Such packages should be proportionate to that of the Foreign coaches (*Hon. Danlami Joel Ikenya*).

Question put and agreed to.

Recommendation (vii):

All verifiable claims due to the coaching crew that qualified the National Team for Korea, Japan World Cup in 2002 should be paid immediately by the NFA (*Hon. Danlami Joel Ikenya*).

Question put and agreed to.

Recommendation (viii):

Well equipped training camps should be provided by the Federal Government in various geopolitical zones in the country (*Hon. Danlami Joel Ikenya*).

Amendment Proposed:

Leave out all the words in the Recommendation and insert the following instead thereof; "Well equipped training camps should be provided by the Federal Government in strategic locations in order to save the colossal amount usually spent in the training of our sports men and women abroad" (*Hon. Bala ibnNa'Allah*).

Question that the amendment be made put and agreed to.

Recommendation (ix):

The sponsor of NFA especially Adidas, Palmodzi Sports Marketing, Coca Cola, Globacom, WAMCO, Nike Sport Wears are commended for their effort towards developing football through sponsorship and are urged to continue with this laudable support (*Hon. Danlami Joel Ikenya*).

Amendment Proposed:

hi line 2, after the words "Sport Wears", insert the words "and other multinationals" (*Hon. Abdul Ningi*).

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

Recommendation (x):

Finally, the vacancies discovered in the NFA should, as a matter of urgency, be advertised and filled for the effective functioning of the NFA (*Hon. Danlami Joel Ikenya*).

Amendment Proposed:

Insert a new Recommendation (x) as follows and renumber:

"Other Multinationals especially the Oil Companies are hereby also enjoined to support the development of Sports, especially Football in the country" (*Hon. Abdul Ningi*).

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

V

Chairman to report Proceedings.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in the Committee of Whole considered the Report of the House Committee on Sports and Social Development on the Investigation into the Financial Activities of the Nigeria Football Association and approved Recommendation (i) as amended, rejected Recommendation (if), approved Recommendations (iii), and (iv), amended Recommendation (v), approved Recommendations (vi), (vii), amended Recommendation (viii), approved recommendation (ix) as amended, approved new Recommendation (x) and Recommendation (x) as new Recommendation (xi).

Question that the House do adopt the Report of the Committee of Whole, put and agreed to.

9. Adjournment:

That this House do now adjourn till Tuesday, March 7, 2006 at 10.00 a.m. {*Hon. Abdul Ningi*}.

Adjourned accordingly at 1.44 p.m.

Aminu Bello Masari
Speaker