



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Thursday, 25 May, 2006

1. The House met at 11.05 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, 24 May, 2006.

By unanimous consent, the Votes and Proceedings was adopted..

Announcement:

(a) *Conference Committee:*

Mr Speaker named the following Conferees on the Nigeria Football Federation Bill, 2005:

- (i) Hon. Igo Aguma
- (ii) Hon. Sani Toro
- (iii) Hon. Chidi Nwogu
- (iv) Hon. Isa Matori
- (v) Hon. Mohammed Maifata
- (vi) Hon. Tunde Salau

(b) *Visitors;*

Mr Speaker recognized the presence in the Gallery of JSS 3 Students of Loyola Jesuit College, Abuja.

4. **Presentation of Reports:**

(a) *Joint Committee on Finance and Justice:*

Motion made and Question proposed, "That this House do receive the Report of the Joint Committee on Finance and Justice on a Bill for an Act to Provide for the Establishment of the Federal Inland Revenue Service, Charged with Powers for Collection of Revenue Accruable to the Government of the Federation; and for Matters Connected Therewith, 2005 (HB. 177)" (Hon. Abdullahi Idris Umar).

Question put and agreed to.

Report Laid.

(b) *Joint Committee on Finance and Justice:*

Motion made and Question proposed, "That this House do receive the Report of the Joint Committee on Finance and Justice on a Bill for an Act to Amend the Personal Income Tax Act 2004 and for Matters Connected Therewith, 2005 (HB. 174)" (Hon. Abdullahi Idris Umar).

Question put and agreed to.

Report Laid.

- (c) *Joint Committee on Finance and Justice:*
Motion made and Question proposed, "That this House do receive the Report of the Joint Committee on Finance and Justice on a Bill for an Act to Amend the Petroleum Profit Tax Act 2004 and for Matters Connected Therewith 2005 (HB. 175)" (Hon. Abdullahi Idris Umar).

Question put and agreed to.

Report Laid.

- (d) *Joint Committee on Finance and Justice:*
Motion made and Question proposed, "That this House do receive the Report of the Joint Committee on Finance and Justice on a Bill for an Act to Amend the National Sugar Development Council Act 2004 and for Matters Connected Therewith, 2005 (HB. 179)" (Hon. Abdullahi Idris Umar).

Question put and agreed to.

Report Laid.

- (e) *Joint Committee on Finance and Justice:*
Motion made and Question proposed, "That this House do receive the Report of the Joint Committee on Finance and Justice on a Bill for an Act to Amend the Custom and Excise Tariff, Etc. (Consolidation) Act, 2004 and for Matters Connected Therewith, 2005 (HB. 178)" (Hon. Abdullahi Idris Umar).

Question put and agreed to.

Report Laid.

- (f) *Joint Committee on Finance and Justice:*
Motion made and Question proposed, "That this House do receive the Report of the Joint Committee on Finance and Justice on a Bill for an Act to Amend the Companies Income Tax Act, 2004 and for Matters Connected therewith 2005 (HB. 181)" (Hon. Abdullahi Idris Umar).

Question put and agreed to.

Report Laid.

- (g) *Joint Committee on Finance and Justice:*
Motion made and Question proposed, "That this House do receive the Report of the Joint Committee on Finance and Justice on a Bill for an Act to Amend the National Automotive Council Act, 2004 and for Matters Connected Therewith, 2005 (HB. 173)" (Hon. Abdullahi Idris Umar).

Question put and agreed to.

Report Laid.

- (h) *Joint Committee on Finance and Justice:*
Motion made and Question proposed, "That this House do receive the Report of the Joint Committee on Finance and Justice on a Bill for an Act to Amend the Education Tax 2004; and for Matters Connected Therewith, 2005 (HB. 176)" (Hon. Abdullahi Idris Umar).

Order read.

By leave of the House, Hon. Abdullahi Idris Umar amended the Order to substitute "a Bill for an Act to Amend the Education Tax Act, 2004 and for Matters Connected Therewith, 2005" (HB. 176) with A Bill for an Act to Amend the Value Added Tax 2004; and for Matters Connected Therewith, 2005 (HB. 187)

Question that this House do receive the Report of the Joint Committee on Finance and Justice on a Bill for an Act to Amend the Value Added Tax, 2004; and for Matters Connected Therewith, 2005 (HB. 178) put and agreed to.

5. Recent Crisis in Ihima District of Okehi LGA of Kogi State:

Motion made and Question proposed,

The House:

Concerned about the recent crisis in the Ihima district of Okehi Local Government Area of Kogi State which led to loss of lives, wanton destruction of property and, disruption of social economic activities in the district;

Worried that the crisis would spread to other parts of Okehi Local Government Area and entire Senatorial District;

Appreciative of the efforts of the Kogi State Government and Okehi Local Government to restore peace in the district without success;

Resolves to:

- (i) *urge* the Federal Government to deploy soldiers and other Security Operatives to Ihima to quell the crisis and maintain law and order;
- (ii) *further urge* the Federal Government to set up a Panel of Inquiry to determine the immediate and remote causes of the crisis, the extent of damage, identify the culprits and recommend measures to avert a future occurrence;
- (iii) *call* the National Emergency Management Agency (NEMA) to dispatch relief materials to the victims of the crisis;
- (iv) *send* a high powered delegation of the House to commiserate with the Government and people of Kogi State and in particular, the People of Ihima District (*Hon. Aliyu Omeiza Saiki and two others*).

Debate:

Amendments Proposed:

- (i) *Leave out* all the words in prayer (i) and *insert* the following instead thereof:
"Urge the Federal Government to take measures to quell the crisis and maintain law and order"
(*Hon. Bawa Bwari*).

Question that the amendment be made put and agreed to.

- (ii) *Leave out* all the words in prayer (iv) and *insert* the following instead thereof:
"Mandate the House Committee on National Emergency and Disaster Management to investigate the crisis in Okene and Okehi Local Government Areas of Kogi Central Senatorial District and in the process, commiserate with the Government and people of Kogi State and in particular, the people of Ihima District and report to the House" (*Hon. AbdulAzeez Idris King*),

Question that the amendment be made put and agreed to.

Main Question put and agreed to. The House:

Concerned about the recent crisis in the Ihima district of Okehi Local Government Area of Kogi State which led to loss of lives, wanton destruction of property and, disruption of social economic activities in the district;

Worried that the crisis would spread to other parts of Okehi Local Government Area and entire Senatorial District;

Appreciative of the efforts of the Kogi State Government and Okehi Local Government to restore peace in the district, without success;

Resolved to:

- (i) *urge* the Federal Government to take measures to quell the crisis and maintain law and order;

- (ii) *further urge* the Federal Government to set up a Panel of Inquiry to determine the immediate and remote causes of the crisis, the extent of damage, identify the culprits and recommend measures to avert a future occurrence;
- (iii) *call* the National Emergency Management Agency (NEMA) to dispatch relief materials to the victims of the crisis;
- (iv) *mandate* the House Committee on National Emergency and Disaster Management to investigate the crisis in Okene and Okehi Local Government Areas of Kogi Central Senatorial District and in the process, commiserate with the Government and people of Kogi State and in particular, the people of Ihima District and report to the House (**HR. 52/2006**).

6. **Devastating Erosion at Auchi and its Environ:**

Motion made and Question proposed,

The House;

Notes the devastating erosion running through Auchi township and its environs, creating deep gullies, separating close neighbours and pulling down houses along its course;

Disturbed that the contract for the channelisation of the affected areas was awarded in 2002 to a Contractor who abandoned the job after collecting mobilization fees;

Regrets the manner in which the Presidential approval granted two years ago to re-award the contract was being handled;

Concerned about the growing apprehension of the citizens of Auchi whose lives and properties are threatened daily;

Resolves to:

- (i) *Urge* the Federal Government to declare the Auchi erosion site a disaster zone and the National Emergency Management Agency (NEMA) to send relief materials to the affected persons in the community;
- (ii) *Call* on the Ministers of Environment and Special Duties to embark on a joint inspection of the erosion site with a view to re-awarding the contract as directed by Mr. President;
- (iii) *Mandate* the Committee on Works to investigate the stoppage of work by the contractor;
- (iv) *Send* a delegation of the House to commiserate with the Otaru of Auchi and the entire community on the loss of lives and property caused by the erosion (*Hon. Abubakar E. Momoh and three others*).

Debate:

Amendments Proposed:

- (i) *Leave out* all the words in prayer (iii) and **insert** the following instead thereof:
"Mandate the Joint Committee on Environment and Governmental Affairs to investigate the stoppage of work by the Contractor" (*Hon. Abubakar Momoh*).

Question that the amendment be made put and agreed to.

- (ii) *Leave out* all the words in prayer (iv) and in prayer (iii) as amended, after the word "Contractor", *insert* the words "and in the process, commiserate with the Otaru of Auchi and the entire community on the loss OF lives and property Caused by the EROSION" (*Hon. Gabriel Saswan*)-

Question that the amendment be made put and agreed to.

Main Question put and agreed to. The House;

Noted the devastating erosion running through Auchi township and its environs, creating deep gullies, separating close neighbours and pulling down houses along its course;

Disturbed that the contract for the channelisation of the affected areas was awarded in 2002 to a Contractor who abandoned the job after collecting mobilization fees;

Regretted the manner in which the Presidential approval granted two years ago to re-award the contract was being handled;

Concerned about the growing apprehension of the citizens of Auchi whose lives and properties are threatened daily;

Resolved to:

- (i) *Urge* the Federal Government to declare the Auchi erosion site a disaster zone and the National Emergency Management Agency (NEMA) to send relief materials to the affected persons in the community;
- (ii) *Call* on the Ministers of Environment and Special Duties to embark on a joint inspection of the erosion site with a view to re-awarding the contract as directed by Mr President;
- (iii) *Mandate* the Joint Committee on Environment and Governmental Affairs to investigate the stoppage of work by the Contractor and in the process, commiserate with the Otaru of Auchi and the entire community on the loss of lives and property caused by the erosion (**HR. 53/2006**).

7. Wanton Killings and Destruction of Properties in Ika Local Government Area of Akwa Ibom:

Motion made and Question proposed,

The House:

Notes with concern the wanton killings and destruction of property in Ika Local Government Area of Akwa Ibom State and the attendant refugee problems;

Disturbed that lives and property worth Millions of Naira have been lost since the crisis started in the year 2000;

Concerned that the free use of firearms and other explosives to kill, maim and destroy innocent citizens threaten the peace and security of the nation.

Resolves to:

- (i) *Condemn* the wanton killings and destruction of property in the area;
- (ii) *Call* on the National Emergency Management Agency to send relief materials to the displaced people;
- (iii) *Mandate* the Joint Committee House Committees on Special Duties and Disaster Management to visit the affected areas in order to investigate the remote and immediate causes of the crisis and make appropriate recommendations to the House within three weeks;
- (iv) *Further urge* the Inspector-General of Police to ensure sustained presence of Anti-Riot Police squad in the area until peace is restored (*Hon. Ezekiel Anaka and 11 others*).

Debate:

Amendments Proposed:

- (i) *Leave out* all the words in prayer (iv) and *insert* the following instead thereof:
"Further urge the Inspector-General of Police, the Director-General of State Security Service and Director of Military Intelligence to take steps to disarm the warring parties and recover the arms"
(*Hon. ItaEnang*).

Question that the amendment be made put and agreed to.

(ii) *Insert a new prayer (v) as follows:*

"Appeal to the warring parties and indeed the generality of Nigerians on the need for greater tolerance of their neighbours and a more improved intra and inter group relationship" (*Hon. John Enoh*).

Question that the amendment be made put and agreed to.

Main Question put and agreed to. The House:

Noted with concern the wanton killings and destruction of property in Ika Local Government Area of Akwa Ibom State and the attendant refugee problems;

Disturbed that lives and property worth Millions of Naira have been lost since the crisis started in the year 2000;

Concerned that the free use of firearms and other explosives to kill, maim and destroy innocent citizens threaten the peace and security of the nation,

Resolved to:

(i) *Condemn the wanton killings and destruction of property in the area;*

(ii) *Call on the National Emergency Management Agency to send relief materials to the displaced people;*

(iii) *Mandate the Joint Committee House Committees on Special Duties and Disaster Management to visit the affected areas in order to investigate the remote and immediate causes of the crisis and make appropriate recommendations to the House within three weeks;*

(iv) *Further urge the Inspector-General of Police, the Director-General of State Security Service and Director of Military Intelligence to take steps to disarm the warring parties and recover the arms;*

(v) *Appeal to the warring parties and indeed the generality of Nigerians on the need for greater tolerance of their neighbours and a more improved intra and inter group relationship (HB. 54/2006).*

8. A Bill for an Act to Authorize the issue from the Consolidated Revenue Fund of the Federation Account and other Accounts of the Federal Capital Territory, the total Sum of N52,581,143,442.00 (Fifty-Two Billion, Five Hundred and Eighty-One Million, One Hundred and Forty-Three Thousand, Four Hundred and Forty-Two Naira) only of which the Sum of N12,118,708,157.00 (Twelve Billion, One Hundred and Eighteen Million, Seven Hundred and Eight Thousand, One Hundred and Fifty-Seven Naira) only is for Personnel Cost and the Sum of N5,101,883,550.00 (Five Billion, One Hundred and One Million, Eight Hundred and Eighty-Three Thousand, Five Hundred and Fifty Naira) only is for Over Head Cost, whilst the balance of N35,360,551,735.00 (Thirty-Five Billion, Three Hundred and Sixty Million, Five Hundred and Fifty-One Thousand, Seven Hundred and Thirty-Five Naira) only is for Capital Project for the Service of the Federal Capital Territory Abuja for the year ended 31 December, 2006 — Third Reading:

Motion made and Question proposed, "That a Bill for an Act to Authorize the issue from the Consolidated Revenue Fund of the Federation Account and other Accounts of the Federal Capital Territory, the total Sum of N52,581,143,442.00 (Fifty-Two Billion, Five Hundred and Eighty-One Million, One Hundred and Forty-Three Thousand, Four Hundred and Forty-Two Naira) only of which the Sum of N12,118,708,157.00 (Twelve Billion, One Hundred and Eighteen Million, Seven Hundred and Eight Thousand, One Hundred and Fifty-Seven Naira) only is for Personnel Cost and the Sum of N5,101,883,550.00 (Five Billion, One Hundred and One million, Eight Hundred and Eighty-Three Thousand, Five Hundred and Fifty Naira) only is for Over Head Cost, whilst the balance of N35,360,551,735.00 (Thirty-Five Billion, Three Hundred and Sixty Million, Five Hundred and Fifty-One Thousand, Seven Hundred and Thirty-Five Naira) only is for Capital Project for the Service of the Federal Capital Territory, Abuja for the year ended 31 December, 2006 be now read a Third Time" (Hon. Abdul Ningi).

Question put and agreed to.

Bill read the Third Time and Passed.

9. Consideration of Report:

Joint Committee on Agriculture and Rural Development—*Motion made and Question proposed*, "That this House do resume consideration of the Report of the Joint Committee on Agriculture and Rural Development on a Bill for an Act to Provide for the Establishment of the National Agriculture Development Fund and approve the Recommendations therein" (*Hon. Usman Mani Nasarawa*).

Question put and agreed to.

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

(HOUSE IN COMMITTEE)

{Mr Deputy Speaker in the Chair}

A BILL FOR AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE
NATIONAL AGRICULTURE DEVELOPMENT FUND

Provisions in the Bill:

Committee Recommendation:

Clause 9: Minister's power to make rules.

- (1) Notwithstanding the Managing Director's powers, the Board shall make rules and regulations pertaining to the following—
 - (a) specifying the manner in which the assets of the Funds are to be held, and regulating the making of payments into and out of the Fund;
 - (b) specifying the manner for timely disbursement and recovery (where necessary) of grants and loans;
 - (c) requiring the keeping of proper accounts and records for the purposes of the Fund in such form as may be specified in the rules;
 - (d) requiring the accounts of the Fund to be audited periodically by the Auditor-General of the Federation; and
 - (e) requiring copies of the accounts and the auditor's report thereon to be furnished to the Federal Executive Council through the Minister;
- ii) producing the guidelines for the submission and approval of project proposals, from time to time reflecting the current policies of the Federal Government for agricultural development
- (2) The Board shall meet twice a year to consider and approve project proposals for funding and review the performance of the fund (*Hon. Usman Mani Nasarawa*).

Amendments Proposed:

- (i) **In** subclause 1, line 1, immediately after the word "make" *leave out* the words "rules and" — *consequential amendment.*
- (ii) *Leave out* the provision in subclause (1) (d) (*Hon. Almajiri Geidam*).

Question that the amendment be made put and agreed to.

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

Committee Recommendation:

Clause 10: Technical Committee.

- (1) There shall be established for the. Fund, a Technical Committee (in this Act referred as "the Committee").
- (2) The Committee **shall be chaired by the Managing Director.**

- (3) The members of the Committee shall be appointed on a part-time basis, and in their capacities as professionals in the key areas of agricultural expertise such as crops, livestock, fisheries, agricultural economics, etc. subject to a maximum of (10) in number, drawn from the following institutions—
- (a) Federal Ministry of Agriculture and Rural Development (2);
 - (b) Farmers Apex Organization (1);
 - (c) The Agricultural Research Institutes (2);
 - (d) Nigerian Universities with Faculties of Agriculture (1);
 - (e) Federal Ministry of Commerce (1);
 - (f) Federal Ministry of Water Resources (1);
 - (g) Nigerian Agricultural Cooperative and Rural Development Bank (1);
 - (h) Nigerian Agriculture Insurance Company (1).
- (4) The Committee shall meet quarterly to appraise project proposals to be recommended for approval of the Board (*Hon. Usman Mani Nasarawa*).

Amendment Proposed:

Leave out the provision in subclause (3) (b) and insert the words "The Nigerian Farmers Association" instead thereof (*Hon. Bankura Lawari*).

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

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

Committee Recommendation:

Clause 11: Functions of the Technical Committee.

The functions of the Committee shall be to—

- (a) monitor and ensure collection and payments of all levies into the accounts of the fund
- (b) establish criteria and indicators for selection of fundable proposals, with approval by the board;
- (c) ensure that every recommendation proposal meet the established criteria and indicators for funding;
- (d) undertake appraisal, evaluation and impact assessment of funded projects and activities ;
- (e) set adequate standard for the monitoring and evaluation of the funded activities;
- (f) advice the Board on best practices for fund administration, project impacts and sustainability;
- (g) ensure that the Fund shall be managed in accordance with extant rules made by the Minister of Finance;
- (h) give a situation report of all its activities on quarterly basis to the Board; and
- (i) deposit all evaluation reports at the Fund secretariat (*Hon. Usman Mani Nasarawa*).

Amendment Proposed:

Leave out the provision in paragraph (a) (*Hon. Ita Enang*).

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

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

PART III—STAFF OF THE FUND

Committee Recommendation;

Clause 12: Appointment of the Managing Director.

- (1) There shall be for the Fund a Managing Director who shall be appointed by the President on the recommendation of the Minister
- (2) A person shall not be qualified for appointment as the Managing Director unless he possesses outstanding qualifications, and has at least Twenty years experience in agricultural finance and/or project management
- (3) The Managing Director shall be the Chief Executive of the Fund, Secretary to the Board and be responsible —
 - (a) for the day-to-day administration of the Fund.
 - (b) subject to the general directions of the Board, for carrying out the provisions of this Act, and
 - (c) keep the books and records of the Fund conduct the correspondence of the Fund and perform such other duties as the Board may from time to time direct and without prejudice to the forgoing, the Managing Director shall be responsible for the following —
 - (i) making arrangement for meetings of the Board;
 - (ii) preparing the agenda and minutes of meetings of the Board;
 - (iii) implement the decisions of the Board; and
 - (iv) such other functions as may be assigned to him by the Board.
- (4) Subject to this section, the Managing Director shall hold office on such Terms and conditions as may be specified in his letter of appointment and as approved by the President.
- (5) Notwithstanding the provision of Subsection (4) of this section, the Managing Director may be removed from office by the President —
 - (a) for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misconduct; or
 - (b) if he is satisfied that it is not in the interest of the service or the public for him to continue in office {*Hon. Usman Hani Nasarawa*}.

Amendments Proposed:

- (i) In subclause (3), lines 1 and 2, *leave out* the words "Secretary to the Board" (*Hon Bankura Lawan*).

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

- (ii) Retain subclause (3) (c) and paragraph (c) (*Hi*) in the Principal Bill and *transfer* the provisions along with paragraphs (c) (i), (ii) and (iv) to the appropriate clause as "Functions of the Secretary" (*Hon. Abdullahi Idris*).

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

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

Committee Recommendation:**Clause 13: Other staff.**

- (1) The Board shall appoint for the Fund either directly or on secondment from any public service of the Federation such number of employees as may, in the opinion of the Board, be required to assist the Fund in the discharge of its functions under this Act.
- (2) The terms and conditions of service and remuneration of these other employees of the Fund shall be determined by the Fund after due consultation with the Salary and Wages Commission (*Hon. Usman Hani Nasarawa*).

Amendments Proposed:

- (i) *Leave out the Marginal Title "Other staff" and insert the Marginal Title "Staff of the Fund" instead thereof—consequential amendment.*
- (ii) **In** subclause (1), line 2, after the word "Federation", *insert* the words "a Secretary and" — *consequential amendment.*
- (iii) *Insert a new subclause (2) as follows and renumber:*
 "The Secretary shall keep the books and records of the Fund conduct the correspondence of the Fund and perform such other duties as the Board may from time to time direct and without prejudice to the foregoing, the Executive Secretary shall be responsible for the following—
 - (a) making arrangement for meetings of the Board;
 - (b) preparing the agenda and minutes of meetings of the Board;
 - (c) conveying the decisions of the Board; and
 - (d) such other functions as may be assigned to him by the Board (*Hon Abdullahi Idris*).

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

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

Committee Recommendation:**Clause 14: Application of the Pension Act, Cap. 346 LFN.**

- (1) **It** is hereby declared that service in the Fund shall be pensionable under the Pension Act, and accordingly, employees of the Fund shall in respect of their services, be entitled to pensions, gratuities and other retirement benefits as are prescribed there under.
- (2) Notwithstanding the provisions of Subsection (1) of this section, nothing in this Act shall prevent the appointment of a person to any office on terms, which preclude the grant of a pension and gratuity in respect of that office.
- (3) For the purposes of the application of the Pensions Act, any power exercisable thereunder by a Minister or other authority of the Federal Government (not being the power to make regulations under Section 23 thereof) is hereby vested in and shall be exercisable by the Fund and not by any other person or authority.
- (4) Subject to the provisions of Section 13 (2) of this section, the Pensions Act in its application by virtue of Subsection (3) of this section to any office shall, have effect as if the office were in the civil service of the Federation (*Hon. Usman Mani Nasarawa*).

Amendment Proposed:

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

"For the purpose of pension, service in the Fund shall be regulated by the provisions of the Pension Reform Act, 2005" (*Hon. Ita Enang*).

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

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

Committee Recommendation:

Clause 15: Expenditure of the fund.

The Fund may from time to time, apply the proceeds of the Fund established in pursuance to Section 8 of this Act to—

- (a) the cost of Administration of the Fund;
- (b) the payment of the allowances and benefits of the members of the Board and for reimbursing members of the Board or of any Committee set up by the Board for such expenses as maybe expressly authorised by the Board;
- (c) the payment of the salaries, remuneration or allowances, gratuities and pensions, and other benefits payable to the officers, and other employees of the Fund, so however that no payment of any kind under this paragraph (except such as may be expressly authorised by the Board) shall be made to any person who is in receipt of emolument from the Federal or State Government;
- (d) the development and maintenance of any property vested in or owned by the Fund and
- (e) finance all agricultural, and rural development projects especially as stated in the functions of the Fund under this Act (*Hon. Usman Mani Nasarawa*)—*Agreed to.*

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

Committee Recommendation:

Clause 16: Accounts and audit.

- (1) The Fund shall keep accounts in respect of each year and proper records in relation to those accounts and shall cause to be prepared in each year—
 - (a) a statement showing the income and expenditure of the Fund for the preceding year; and
 - (b) a statement of all assets and liabilities of the Fund as at the last day of the immediate preceding year.
- (2) The Fund shall cause every statement prepared under this section to be audited, within six months after the end of the year to which the statement relates, by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General of the Federation.
- (3) The Fund shall submit to the Minister, not later than 31st August in each year, as estimate of its expenditure and income during the next succeeding year (*Hon. Usman Mani Nasarawa*)—*Agreed to.*

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

Committee Recommendation:

Clause 17: Annual report.

- (1) The Fund shall prepare and submit to the Minister not later than six months after the end of the year a report, in such form as the Minister may direct, on the activities of the Fund during the immediate preceding year and shall include in the report a copy of the audited accounts of the Fund for that year and the auditor's report thereon.
- (2) The Minister shall submit a copy of each report made to him under this section to the Federal Executive Council (*Hon. Usman Mani Nasarawa*).

Amendment Proposed:

In subclause (1), line 1, immediately after the word "Minister", insert the words "the National Assembly" (*Hon. Abdullahi Idris*).

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

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

Committee Recommendation;

Clause 18: Power to accept gift.

- (1) The Fund may accept any gift of land, money or other property on such terms and conditions, if any, as may be specified by the person or Organisation making the gift.
- (2) The Fund shall not accept any gift if the conditions attached by the person or Organisation offering the gifts are inconsistent with the functions of the Fund and the Corrupt Practices and Related Matters Act (*Hon. Usman Mani Nasarawa*).

Amendment Proposed:

In subclause (1), line 1, immediately after the word "property", *leave out* the words "on such terms and conditions, if any, as may be specified by the person or Organisation making the gift" and *insert* the words "from any person or organisation" instead thereof (*Hon. Abdullahi Idris*).

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

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

Committee Recommendation:

Clause 19: Exemption from tax.

- (1) The Fund shall be exempted from the payment of income tax -on any income accruing from investments made by the Board of the Fund or otherwise howsoever.
- (2) The provision of any enactment relating to the Taxation of companies or trust funds shall not apply to the Fund or the Board (*Hon. Usman Mani Nasarawa*).

Amendment Proposed:

Leave out the provisions in the Clause (*Hon. Ita Enang*).

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

Committee Recommendation:

Clause 20: Limitation of suit against the Fund.

- (1) Subject to the provision of this Act, the provisions of the Public Officers protection Act shall apply in relation to any suit instituted against an officer or employee of the Fund.
- (2) Notwithstanding anything Contained in any other enactment, no suit against a member of the Board or the Managing Director or any other officer or employee of the Fund for any act done in pursuance or execution of this Act or any other enactment or law, or of any public duty or authority in respect of alleged neglect or default in the execution of this Act or any other enactment or law, duty or authority, shall lie or be.
- (3) No suit shall be commenced against a member of the Board or the Managing Director or any other officer or employee of the Fund before the expiration of a period of one month after written notice of the intention to commence the suit shall have been served on the Fund by the intending plaintiff or his agent.
- (4) The notice referred to in Subsection (3) of this section shall clearly and explicitly state the cause of action, the particulars of the claim, the name and place of abode of the intending plaintiff and the relief which he claims (*Hon. Usman Mani Nasarawa*).

Amendment Proposed:

Leave out the provisions in subclauses (2), (3) and (4) (*Hon. Abdullahi Idris*).

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

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

Committee Recommendation:

Clause 21: Service of document.

- (1) A notice, summons or other documents required or authorized to be served on the Fund under the provisions of this Act or any other enactment or law may be served by delivering it to the Managing Director or by sending it by registered post addressed to the Managing Director at the principal office of the Fund.
- (2) In any action or suit against the Fund, no execution or attachment of process in the nature thereof shall be issued against the Fund unless not less than 30 days notice of the intention to execute or attach has been given to the Fund.
- (3) Any sum of money which by the judgment of any court has been awarded against the Fund shall, subject to any direction given by the court, where notice of appeal against the judgment has not been given, be paid from the Fund (*Hon. Usman Mani Nasarawa*).

Amendment Proposed:

Leave out the provisions in subclauses (2) and (3) (Hon. Abdullahi Idris).

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

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

Committee Recommendation:

Clause 22: Indemnity of officers.

A member of the Board or the Managing Director or any officer or employee of the Fund shall be indemnified out of the Assets of the Fund against any liability incurred by him in defending any proceeding, whether civil or criminal, if the proceeding is brought against him in his capacity as a member, Managing Director, officer or other Employee of the Fund (*Hon. Usman Mani Nasarawa*) — *Agreed to.*

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

Committee Recommendation:

Clause 23: Secrecy.

- (1) A member of the Board or Managing Director or any other officer or employee of the Fund shall—
 - (a) not, for his personal gain, make use of any information which has come to his knowledge in the exercise of his power or it obtained by him in the ordinary course of his duty as a member of the Board or as the Managing Director, officer or employee of the Fund;
 - (b) treat as confidential any information which has come to his knowledge in course of performing his duties under this Act; and
 - (c) not disclose any information referred to under paragraph (b) of this subsection, except when required to do so by a court or in such other circumstances as may be prescribed by the Board, from time to time.
- (2) Any person who contravenes the provisions of subsection (1) of this section commits an offence and is liable on conviction to a fine of not less than N350,000,00 or imprisonment for a term not exceeding 2 years or to both such fine and imprisonment (*Hon. Usman Mani Nasarawa*) — *Agreed to.*

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

Committee Recommendation:

Clause 24: Power of the Minister to give directions to the Board.

Subject to the provision of this Act, the Minister may give to the Board directions of a general character relating generally to matters of policy with regard to the exercise by the Board of its functions under this Act and it shall be the Duty of the Board to comply with such directions (*Hon. Usman Mani Nasarawa*) — *Agreed to.*

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

Committee Recommendation:**Clause 25: Interpretation.**

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

"Board" means the Governing Board of the Fund established by Section 2 of this Act (*Hon. Usman Mani Nasarawa*).

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

"Chairman" means the Chairman of the Board (*Hon. Usman Mani Nasarawa*).

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

"Committee" means the Fund Technical Committee established by Section 10 of this Act (*Hon. Usman Mani Nasarawa*).

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

"Managing Director" means the Managing Director of the Fund appointed under Section 12 of this Act (*Hon. Usman Mani Nasarawa*).

Question that the meaning of the words "Managing Director" be as defined in the interpretation to this Act, put and agreed to.

"function" includes power and duty (*Hon. Usman Mani Nasarawa*).

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

"member" means a member of the Board and includes the Chairman (*Hon. Usman Mani Nasarawa*).

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

"Minister" means the Minister charged with responsibility for matters relating to agriculture (*Hon. Usman Mani Nasarawa*).

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

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

Committee Recommendation:**Clause 26: Short Title.**

This Act may be cited as the National Agricultural Development Fund (Establishment) Bill, 2006 (*Hon. Usman Mani Nasarawa*) — *Agreed to.*

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

SCHEDULE

Section 2 (3)

SUPPLEMENTARY PROVISIONS RELATING TO THE PROCEEDINGS OF THE BOARD**Cap. 192 LFN.**

1. (1) Subject to this Act and Section 27 of the Interpretation Act (which provides for the decisions of a statutory body to be taken by a majority of the members of the body and for the persons presiding to have a second or casting vote), the Board may make standing orders regulating the proceedings of the Board or of any committee thereof

- (2) The quorum at a meeting of the Board shall be a third of members. The same applies to the Technical Committee.
2. (1) The Board shall meet not less than 4 times in each year and subject thereof, the Board shall meet whenever it is summoned by the Chairman, and if the Chairman is required to do so, by notice to him by not less than a third of the members, he shall summon a meeting of the Board to be held within seven 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 elect one of their member to preside at the meeting. Provided there is a quorum.
3. Where the Board wishes to obtain the advice of any person on any particular matter, the Board may co-opt him as a member for such period as it thinks fit, but a person who is a member by virtue of this subparagraph shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.
4. (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 determined.
- (2) Every Committee appointed under this paragraph shall consist of such number of persons as may be determined by the Board and not more than one third of those persons may be persons who are not members of the Board; a person other than a member of the Board shall hold office on the committee in accordance with the terms of the instrument of his appointment.
- (3) A decision of a Committee of the Board shall be of no effect until it is confirmed by the Board.
- Disclosure of interest and transparency.*
5. (1) A member of the Board has an interest in any application for loan for any project made or proposed to be made by any beneficiary shall disclose his interest at a meeting of the Board.
- (2) Such disclosure shall be recorded in the minute of the meetings of the Board and the member shall not take part after such disclosure in any deliberation or decision of the Board with regard to that particular subject matter in respect of which his interest is disclosed and he shall also be excluded for the purpose of continuing a quorum of any meeting of the Board for any such deliberation or decision.
6. The fixing of the seal of the Fund shall be authenticated by the signature of the Chairman or some other member authorised generally or specially by the Board for that purpose (*Hon. Usman Mani Nasarawa*) — *Agreed to.*

Question that the provisions in the Schedule 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 resume consideration of the Report of the Joint Committee on Agriculture and Rural Development on a Bill for an Act to Provide for the Establishment of the National Agriculture Development Fund. It approved Clauses 9, 10, 11, 12, 13 and 14 as amended, approved Clauses 15 and 16, amended Clauses 17 and 18, deleted Clause 19, amended clauses 20 and 21, approved Clauses 22, 23, 24, 25, 26 and the Schedule to the Bill.

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

10. **Adjournment:**

That this House do now adjourn till Tuesday, 30 May, 2006 at 10.00 a.m. (*Hon. Abdul Ningi*).

Adjourned accordingly at 1.45 p.m.

Aminu Bello Masari
Speaker