



# HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA

## VOTES AND PROCEEDINGS

Thursday, 24 February, 2005

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1. The House met at 10.35 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, 23 February, 2005

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

3. **Announcements:**  
(i) Mr Speaker read a letter from the Chairman, Committee on Inter and Intra Party Relations:



FEDERAL REPUBLIC OF NIGERIA  
**HOUSE OF REPRESENTATIVES**  
OFFICE OF THE CHAIRMAN,  
Committee on Inter/Intra Party Relations  
National Assembly Complex  
Three Arms Zone, **P.M.B** 141,  
Garki, Abuja-Nigeria.

*24th February 2005*

*Rt. Hon. Aminu Bello Masari,  
Honourable Speaker House of  
Representatives, Abuja.*

*My Speaker,*

### **LETTER OF APPRECIATION**

*May I, on behalf of the entire members of the newly inaugurated House Committee on Inter/Intra Party Relations, sincerely thank you, Mr Speaker, your Deputy, the House leadership and the totality of my colleagues in the House, for the unprecedented show of solidarity to the Committee during its inauguration on Tuesday, 22nd February, 2005.*

*As members of this distinguished Committee, we are strengthened and challenged by this support which goes*

to show the importance the House Leadership places on the anticipated result of the oversight responsibility of the Committee.

*If the kind words of appreciation, high level of respect and the measure of trust reposed on the entire House of Representatives by representatives of the registered political parties during the inauguration ceremony is anything to go by, then this House and its indefatigable leadership must take the glory for its foresight in creating this Committee, the first of its kind in the history of the Nigerian Legislature.*

*I recall a remark by the Vice President of the Federal Republic of Nigeria, Turaki Atiku Abubakar, while commending the Leadership of the House during the Committee's visit to his Office. He said: "this Committee is long overdue and if the activities of the Committee had started at the inception of this Fourth Republic, maybe the recent happenings in the political parties would have been curbed". Similarly, the commendation letter from elder statesman, Chief Anthony Enahoro, to the House through the Committee at its inauguration, is equally a clear signal that this great House is the only hope of the ordinary Nigerian in the rebirth of a new nation.*

*Finally, we as members of this Committee have taken up this great challenge with all the seriousness required. Given the promise of support at all times by the House leadership, and our resolve to take the Committee to the expected level of transparency and neutrality, we call on all Honourable Members, irrespective of party affiliations, to join hands with us in the task ahead, in the interest and defence of our nascent democracy.*

*As always, accept our highest respect and loyalty to the House of Representatives.*

*(Signed)*

*Hon. (Chief) Mao Oluwabunwa (FNIST)  
Chairman.*

(ii) Visitors:

Mr Speaker recognised the presence in the Gallery, of 73 children from "Marvelous Nursery and Primary School", Ado-Kara, Nasarawa State

4. Alleged Violation of **Official Code of Conduct: Hon. Foster Okoto:**

Pursuant to Order XIV, Rule 7 (4) (a) of the Standing Orders, Mr Speaker acquainted the House with the Report of the Committee on Ethics and Privileges on the above subject matter:



**HOUSE OF REPRESENTATIVES  
COMMITTEE ON ETHICS & PRIVILEGES**  
NATIONAL ASSEMBLY,  
THE THREE-ARMS ZONE,

P.M.B. 141, GARKI - ABUJA, NIGERIA

24th February, 2005

*The Hon. Speaker, GROSS ABUSE OF PRIVILEGE AND ETHICAL MISCONDUCT*

*Hon. Speaker, permit me to inform the House, of the conduct of one of us, Hon. Foster Okoto, which I believe amounts to a gross abuse of privilege and ethical misconduct. His action is not only a dishonourable act, but one which is capable of bringing the reputation of this Honourable House to public ridicule.*

*The Member, Hon. Foster Okoto behaved as follows:*

<sup>1</sup> There seems to have been an apparent mix-up with the residential accommodation allocated to both Hon. Okoto and Hon. Ere Ekekeme. Both of them appear to have allocation papers for the same house—i.e. B3, Flat 1 in Apo Legislative Quarters.

2. *Instead of Hon. Okoto to wait and insist on a careful and peaceful resolution of the problem, he went with the aid and assistance of some thugs and policemen to physically eject the properties of the current occupant of the House, i.e. Hon. Ekekeme, thus constituting a disturbance to the life and convenience of another Member, which amounts to an illegality in behaviour,*
3. *He caused willful destruction to the House mentioned in (1) above by using stones to break and smash the doors and windows of the House.*
4. *He is reported to have disturbed the peace and quietness of not only the immediate neighbours, but the entire neighbourhood through the commotion he generated by rendering insults and curses on the person and family of Hon. Ere Ekekeme.*
5. *He is furthermore reported to have engaged some diabolical effects as he came with some Juju-like artifacts to the residents of the house in question, in order to further vent his anger and curse on his perceived enemy.*

*Mr. Speaker, my attention was called to all this between yesterday and this morning and I have tried and I am still trying to see that the entire episode does not degenerate further. Unfortunately, the action of Hon. Okoto is unduly calling for public attention and has already embarrassed the House.*

*I therefore recommend to the House that Hon. Okoto be called to order forthwith pending my Committee's immediate commencement of full scale investigation into the entire matter, after which further appropriate action shall be recommended.*

*Thank you, Mr Speaker.*

*(Signed)*

*Hon. (Dr) Bella M. Mutawalle  
Chairman.*

5. **Petition:**

**A petition was received and referred to the Committee on Public Petitions:**

**Hon. Mahmud Musa, from Danlami Hamisu, praying the House to investigate the circumstances of his dismissal from the Nigerian Army.**

6. **Recognition of the Struggles, Travails and Attainments of the Legislature in the History of Nigeria:**

***Motion made and Question proposed,***

**The House:**

***Notes that the history of the Nigerian Legislature, as an Arm of Government, dates back to the early days of colonial rule;***

***Commends the selfless sacrifices of our Founding Fathers in the struggle for political and economic freedom and the ultimate attainment of Independence in October, 1960;***

***Regrets the various military incursions in the nation's body politic, the bastardization of our norms and values, and the profound damage to socio-political and economic structures established by our Founding Fathers;***

***Is painfully aware that the Legislature had suffered severe setbacks, following the long period of military interregna;***

***Recalls, with nostalgia, the patriotic zeal of Members of the Legislature since the First Republic to promote and sustain democratic ideals;***

***Recognizes the urgent need to reaffirm the will of the people, as an essential ingredient of democracy, the rule of law and constitutionalism;***

***Resolves to:***

- (i) ***Applaud the courage, tenacity, vigour, steadfastness and the will of past Nigerian Legislators, who worked tirelessly in the face of adversity, in order to establish a strong***

- (ii) *Mandate* the Committee on Culture and Tourism to explore the possibility of establishing a Library/Museum of Memoirs of past Leadership of Nigerian Parliaments and others who have contributed to the development of the Nigerian Legislature and make appropriate recommendations to the House;
- (iii) *Constitute* an *Ad-hoc* Committee to recommend the process of issuing merit awards to deserving persons;
- (iv) *Set aside* the 3rd day of June of every year as the "National Assembly Day"; (v)

***Seek the concurrence of the Senate" (Hon. Emeka Atuma and 5 others). Debate:***

**Amendments Proposed:**

- (i) In Prayer (ii), line 2, immediately after the words "past Leadership", insert the words "and **members**" (Hon. Alex Nwofe).

**Question**

- (i) *that the amendment be made, put and negative,*
- (ii) *Leave out Prayers (iii), (iv) and (v) (Hon. Alex Nwofe).*

***Question that the amendment be made, put and negatived.***

***Motion, by leave of the House withdrawn.***

***House Leader (Hon. Abdul Ningi), ANPP Leader (Hon. Ahmed Salik) and Hon. Sola Adeyeye mandated to investigate and report on the current status of the National Assembly Library.***

- 7. A **Bill for** an Act to **Amend** the Federal Character **Commission** Act, No. 34 of **1996** to Include Provisions Necessary to Ensure Greater Efficiency in the **Performance and** Exercise of **the Duties and** Functions of **the** Commission; and Provide **for Other Matters Relating Thereto, 2004 (HB. 86)**—*Second Reading: Motion made and Question proposed*, "That A Bill for an Act to Amend the Federal Character Commission Act, No. 34 of 1996 to Include Provisions Necessary to Ensure **Greater** Efficiency in the Performance and Exercise of the Duties and Functions of the Commission; and Provide for Other Matters Relating Thereto, 2004, be now read a Second Time" (Hon. Bassey Etim).

***Debate:***

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

***Bill read a Second Time and referred to the Committee on Federal Character.***

- 8. A **Bill for an Act to Prohibit the Use or Operation of Mobile Phones while Driving Vehicles, for the Purpose of Securing and Maintaining General Safety on Nigerian Roads; and for Related Matters, 2004 (HB.120)**—*Second Reading:*

***Order read; deferred.***

- 9. **Consideration of Reports:**

**(i) *Committee on Public Service Matters:***

*Motion made and Question proposed; "That this House do consider the Report of the House Committee on Public Service Matters on A Bill for an Act to Establish the Chartered Institute of Certified Secretaries and Reporters for the Registration and Discipline of Certified Secretaries and Reporters, and to Provide for a Governing Board Charged with the Responsibility Among Other Things, Formulation of Policies for the Institute; and for Connected Purposes, 2004; and approve the Recommendations therein" (Hon. Leo Away end).*

***Question put and agreed to.***

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

**A BILL FOR AN ACT TO ESTABLISH THE CHARTERED INSTITUTE OF CERTIFIED SECRETARIES AND REPORTERS FOR THE REGISTRATION AND DISCIPLINE OF CERTIFIED SECRETARIES AND REPORTERS, AND TO PROVIDE FOR A GOVERNING BOARD CHARGED WITH THE RESPONSIBILITY AMONG OTHER THINGS, FORMULATION OF POLICIES FOR THE INSTITUTE; AND FOR CONNECTED PURPOSES**

**Committee Recommendation:**

**Clause 1:** Establishment and corporate personality.  
There is established a body to be known as the Chartered Institute of Certified Secretaries and Reporters of Nigeria (in this Bill referred to as the "Institute"), which shall be a body corporate with perpetual succession and a common seal to be kept at the Head Office; and may sue and be sued in its corporate name (*Hon. Leo Awoyemi*)—Agreed to.

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

**Committee Recommendation:**

**Clause 2:** Functions.  
The functions of the Institute shall be

- (a) determining and reviewing from time to time the qualifications for membership of the Institute;
- (b) ensuring professional ethics, high standard and sound knowledge by members of the Institute;
- (c) securing in accordance with the provisions of this Bill the maintenance of a register for its members; and
- (d) carrying out such other functions as the Board may from time to time prescribe (*Hon. Leo Awoyemi*)—Agreed to.

*Question that Clause 2 stand part of the BUI, put and agreed to.*

**Committee Recommendation:**

**Clause 3:** Membership of the Institute.

(1) Members admitted to the Institute shall be enrolled as Chartered Certified Secretaries or Chartered Certified Verbatim Reporters and shall be entitled to the use of that status accorded and shall be registered as—

- (a) fellows, if they satisfy the Board that—
  - (i) they are not less than thirty-five (35) years of age and have ten (10) years relevant working experience in the office of at least one reputable Organization or Government Department of which at least five (5) years have been spent on a senior appointment;
  - (ii) for the period of three (3) years immediately preceding the date of application or recommendation in that behalf they have been fit persons and have, in addition to being the holders of approved academic professional qualifications or certificate of the final examination of the Institute, contributed to the development of the Institute and are fit persons to be so registered;
- (b) members, if they satisfy the Board that they—
  - (i) are at least thirty (30) years of age, have been associate members for not less than three (3) years, have passed examinations prescribed or accepted by the Institute and are fit persons to be so registered; and

- (ii) have maintained a good record of membership for at least five years immediately preceding the date of application and have contributed to the upliftment of the profession and the Institute;
  - (c) associate members, if they—
    - (i) are not less than twenty-eight (28) years of age, have passed relevant examinations prescribed or accepted by the Institute and have not less than five (5) years relevant working experience in the office of a reputable Organisation or Government Department; or
    - (ii) have University First Degree not below Second Class Lower Division or Higher National Diploma or its equivalent from Government approved Institutions not below Credit Pass and have not less than five (5) years post qualification experience, however that period of higher education (maximum of two years) may be counted towards years of experience;
  - (d) registered graduate members, if they have attained the age of twenty-one (21) years, have passed examinations accepted by the Institute and have not less than three (3) years working experience in secretarial or reportorial profession; and
  - (e) registered students if they meet the entry requirement as specified by resolution of the Board.
- (2) The Board shall have the power to approve through its resolution that any persons be awarded the Institute's honorary membership status in recognition of outstanding qualities, achievement in industry, education, commerce and contribution to the development of the Institute and profession provided that such an award shall not entitle the recipient to the practice or membership of the profession or voting in the affairs of the Institute.
  - (3) The Board shall have the power to approve the award to a corporate body of the Institute's corporate membership status and such an award shall entitle the recipient to the rights and obligations of just one member (*Hon. Leo Awoyemi*)—*Agreed to.*

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

**Committee Recommendation:**

**Clause 4:** Designatory letters.  
The designatory letters of the Institute shall be—

- (a) "FCSR" for professional fellows;
- (b) "FCSR (Hon.)" for honorary fellows;
- (c) "MCSR" for professional members;
- (d) "MCSR (Hon.)" for honorary members;
- (e) "ACSR" for Associates; and
- (f) "ICSRmember" for corporate members (*Hon. Leo Awoyemi*)—*Agreed to.*

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

**Committee Recommendation:**

**Clause 5:** President, Vice-Presidents.

- (1) There shall be for the Institute a President and two Vice and (first and second Vice-Presidents) who shall be Presidents elected by the Board and must be professional members of the Institute in the categories of fellows and members.

- (2) The President shall preside at all meetings of the Board and the Institute and in the absence of the President due to any reason, the first Vice-President (in whose absence, the second Vice President) shall preside.
- (3) The President and Vice-Presidents shall hold office for a term of two years and shall cease to hold office immediately they cease to be members of the Institute as specified in Subsection (1) of this section (*Hon. Leo Awoyemi*)—*Agreed to.*

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

**Committee Recommendation:**

**Clause 6: Board and its composition.**

- (1) The Institute shall have a governing body (in this Bill referred to as "the Board"), charged with the responsibility of formulation of policies for the administration and general management of the Institute.
- (2) The Board shall consist of professional members not below the category of associate members and such other persons on honorary advisory capacity, appointed, elected or nominated as follows—
  - (a) the President of the Institute, who shall be the Chairman of the Board;
  - (b) the registrar of the institute who shall be the Secretary of the Board;
  - (c) the Vice-Presidents of the Institute, with the first Vice-President as the Vice-Chairman of the Board;
  - (d) one representative to be appointed by each of the following—
    - (i) the Government Department charged with manpower development and training (in this Bill referred to as "the Government Department");
    - (ii) Federal Ministry of Education;
    - (iii) Public Service Office in the Presidency;
  - (e) one person to represent the Universities offering courses relevant to any of the two professions in this Bill, to be appointed on a rotational basis by the National Universities Commission;
  - (f) one person to represent the Polytechnics and Colleges of Education offering courses relevant to any of the two professions in this Bill, to be appointed on rotational basis by the National Board for Technical Education;
  - (g) one person to represent training institutions with relevant courses under the Government Department to be appointed by that department;
  - (h) four persons to be elected by the Institute among its members; and
  - (i) past Presidents of the Institute who shall serve on the Board for a maximum period of three (3) years from the expiration of their terms as President (*Hon. Leo Awoyemi*)—*Agreed to.*

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

**Committee Recommendation:**

**Clause 7: Tenure of office.**

The tenure of office for members of the Board shall be two years with an eligibility for reappointment (or re-election as the case may be) for a further term of two years and no more (*Hon. Leo Awoyemi*)—*Agreed to.*

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

**Committee Recommendation:**

**Clause 8: Resignation and filling of vacancy.**

- (1) Any member of the Board may, by notice in writing to the President of the Institute resign his membership of the Board.**
- (2) Whenever there is a vacancy in the membership of the Board, a person representing the same interest as the member whose exit created the vacancy shall be elected or appointed as the case may be, to fill such vacancy (*Hon. Leo Awoyemi*)—Agreed to.**

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

**Committee Recommendation:**

**Clause 9: First Schedule.**

**The provisions of the Schedule to this Bill shall have effect with respect to the meetings of the Board and the Institute (*Hon. Leo Awoyemi*)—Agreed to.**

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

**Committee Recommendation:**

**Clause 10: Rules and Regulations.**

- (1) The Board has the power to make regulations subject to the approval of the Council, for the carrying out of any of its policies and functions of the Institute.**
- (2) Rules and Regulations made under this Bill, shall be published in print media and or the Institute's journal as soon as they are made and copies of such rules shall be sent to the Government Department (*Hon. Leo Awoyemi*)—Agreed to.**

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

**Committee Recommendation: Clause**

**11: Delegation of power.**

**The Board may delegate to any person any of its powers which in its opinion is calculated to facilitate the carrying out of its functions, provided that the Board's power to make rules and regulations shall not be delegated (*Hon. Leo Awoyemi*)—Agreed to.**

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

**Committee Recommendation:**

**Clause 12: Fund.**

- (1) The Board shall maintain a Fund which shall be applied towards the carrying out of its functions and into which shall be paid—**
  - (a) all fees and other monies payable to the Institute;**
  - (b) such monies as may be payable to the Institute;**
  - (c) all grants, aids and solicited funds received for the Institute; and**
  - (d) proceeds from programmes/activities.**
- (2) There shall be defrayed from the Fund the following—**
  - (a) remuneration and allowances of the Registrar General and other employees of the Institute**
  - (b) such reasonable travelling allowance (as determined by the Board and its Committees) incurred in the business of the Board; and**
  - (c) any expense incurred by the Board in the discharge of its duties (*Hon. Leo Awoyemi*)—Agreed to.**

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

**Committee Recommendation:**

Clause 13: Power to invest or borrow money.

- (1) The Board may invest the Institute's money in any security created or issued by or on behalf of the Federal Government.
- (2) The Board may borrow money for the purpose of the Institute and any interest payable on money borrowed by the Institute shall be defrayed from the Fund of the **Institute (Hon. Leo Awoyemi)—Agreed to.**

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

**Committee Recommendation:**

Clause 14: Auditing of accounts, proper records, etc.

- (1) The Board shall keep proper accounts of the activities of the Institute in respect of each year and proper records in relation to those accounts and the Board shall cause the accounts to be audited by an auditor appointed from the list and in accordance with the guidelines supplied by Auditor-General of the Federation.
- (2) The audited accounts shall be submitted by the Board to members of the Institute for approval at the annual general meeting of the Institute *(Hon. Leo Awoyemi)—Agreed to.*

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

**Committee Recommendation:**

Clause 15: Transfer of assets **and** liabilities.

Upon the commencement of this Bill—

- (a) all assets held by or on behalf of the Institute (of Certified Secretaries and Reporters) shall by virtue of this Act vest in the Institute and all liabilities incurred before the commencement of this Act by the former Institute shall automatically be transferred to the Institute; and
- (b) any act or thing done by the former Institute shall be deemed to have been done **by the Institute (Hon. Leo Awoyemi)—Agreed to.**

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

**Committee Recommendation:**

Clause 16: **Registrar General and Assistant Registrar General.**

- (1) The Board shall subject to the approval of the Council appoint fit person who shall be professional members of the Institute to be the Registrar General and Assistant Registrar General (in this Bill referred to as "Registrar" and "Assistant Registrar" respectively).
- (2) The last person to hold office as the Registrar of the former Institute shall upon the commencement of this Bill continue in office (for a maximum of one year) as acting Registrar of the Institute before the Board appoints the first Registrar of the Institute.
- (3) The Registrar who shall be the chief executive of the Institute shall hold office for a term of four years and shall be eligible for a renewal of tenure once only *(Hon. Leo Awoyemi)—Agreed to.*

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

**Committee Recommendation:**

Clause 17: Register.

The Registrar shall prepare and maintain in accordance with the rules made by the Board a Register of names, addresses, approved qualifications and such other particulars as may **be specified in the rules, of all persons who are entitled to be enrolled as members of the** Institute and who have in the manner prescribed by such rules applied to be so registered *(Hon. Leo Awoyemi)—Agreed to.*

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

**Committee Recommendation:**

**Clause 18:**       **Contents of the Register.**

The Register shall consist of six parts—one part each in respect of the following—

- (a)       professional fellows;
- (b)       professional members;
- (c)       associate members;
- (d)       graduate members;
- (e)       affiliate and student members; and
- (f)       honorary fellows, corporate and honorary members (*Hon. Leo Awoyemi*)—*Agreed to.*

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

**Committee Recommendation:**

**Clause 19:**       **Rules for maintenance of Register.**

The Board shall make rules in respect of the form of the register, its maintenance, the entries to be made therein and—

- (a)       mode of application, enrolment and registration;
- (b)       notifying the Registrar of any change in particulars furnished to the Institute; and
- (c)       all fees to be paid to the Institute including annual subscriptions (*Hon. Leo Awoyemi*)—*Agreed to.*

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

**Committee Recommendation:**

**Clause 20:**       **Corrections, alteration, etc. of the contents of Register,**  
The Registrar shall—

- (a)       correct, in accordance with the directions of the Board any entry on the register which in the Board' s opinion was incorrectly made;
- (b)       make, from time to time, any necessary alterations in the registered particulars of persons;
- (c)       remove from the Register the name of any enrolled or registered person who has died; and
- (d)       record the names of members who are in default for more than six (6) months in the payment of annual subscriptions, and. to take such action in relation thereto (including removal of the names of defaulters from the Register), as the Board may direct (*Hon. Leo Awoyemi*)—*Agreed to.*

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

**Committee Recommendation:**

**Clause 21:**       **Removal of names from the Register.**

If the Registrar—

- (a)       sends by post to any registered or enrolled person a registered letter, addressed to him at his address on the Register enquiring whether the registered particulars relating to him are correct and receives no reply to the letter within the period of six (6) months from the date of posting it; and
- (b)       upon the expiration of that period sends in the like manner to the person in question a remainder and receives no reply to that letter within three months from die date of posting it;

the Registrar may remove the particulars relating to the person from the register. However where the Board directs that such removed particulars be restored to their appropriate place in the Register, the Registrar shall comply (*Hon. Leo Awoyemi*)—*Agreed to.*

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

*Committee Recommendation:*

Clause 22:     Printing, publication, etc. of Register of members.  
                  The Registrar shall cause—

- (a)     the Register to be printed, published and put on sale to members of the public not later than two (2) years from the day he assumed office;
- (b)     to be printed, published and put on for sale each year (after the first publication) either a corrected edition of the Register or a list of alterations made to it since it was last printed; and
- (c)     a print of each edition of the register and each list of corrections to be deposited at the Head office of the Federation Institute and the Board shall keep the Register and lists so deposited available at all reasonable times for inspection by members of the public (*Hon. Leo Awoyenu*)—*Agreed to.*

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

*Committee Recommendation:*

Clause 23:     Evidence of a registration.

- (1)     A document purporting to be a print of an edition of the Register or list of corrections to it published under Section 22 of this Act shall be admissible in any proceeding as evidence that any person specified in the document is so registered at the date of the document, and that any person not so specified is not registered.
- (2)     Where in accordance with Subsection (1) of this section, a person in any proceeding is known to have been or not to have been registered at a particular date, he shall unless the contrary is proved, be taken for the purpose of that proceeding as having at all material times thereafter continue to be so or not so registered (*Hon. Leo Awoyemi*)—*Agreed to.*

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

*Committee Recommendation:*

Clause 24:     ,     Conditions for enrolment or registration.

- (1)     Subject to the provision of this Act or rules made there-under, a person shall be entitled to be enrolled or registered as a Certified Secretary or Certified Verbatim Reporter if such a person—
  - (a)     passes a qualifying examination for membership conducted by the Institute and completes the practical training prescribed; or
  - (b)     holds a relevant qualification granted by a Government owned institution which is of equivalent standard; or
  - (c)     holds a qualification granted outside Nigeria which is acceptable to the Board and satisfies the Board of sufficient practical experience as a Certified Secretary or Certified Verbatim Reporter.
- (2)     In addition to Subsection (1) of this section, the applicant shall satisfy the Board that he—
  - (a)     is of good character and high integrity;
  - (b)     has attained the age of twenty-one (21) years; and
  - (c)     has never been convicted of an offence involving fraud, dishonesty or gross misconduct.

- (3) The Board shall, from time to time publish in its internal newsletter and National Dailies, the qualifications acceptable for enrolment or registration by the Institute (Hon. Leo Awoyemi)—Agreed to.

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

**Committee Recommendation:**

**Clause 25: Professional registration.**

The Board may provisionally accept a qualification produced in respect of an application and in such case direct that any entry made in the register shall show that the registration is provisional and shall not be converted into full registration without the written consent of the Board to that effect (Hon. Leo Awoyemi)—Agreed to.

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

**Committee Recommendation:**

**Clause 26: Approval of qualification.**

The Board may approve any qualification for the purpose of this Act and may approve any—

- (a) course or training at an approved institution which is intended for persons who are seeking to become or are already Certified Secretaries and Verbatim Reporters or which the Board considers designed to confer on persons completing it sufficient knowledge and skill for admission to the Institute; and
- (b) qualification which as a result of an examination taken in conjunction with a course or training approved by the Board under this section, is granted to candidates reaching a standard at the examination which affords the candidates sufficient knowledge and skill to practice as Certified Secretaries or Certified Verbatim Reporters (Hon. Leo Awoyemi)—Agreed to.

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

**Committee Recommendation:**

**Clause 27: Withdrawal of approval.**

The Board may, if it thinks fit, withdraw any approval under this act in respect of any course, qualification or institution but before doing so shall, in the following order—

- (a) obtain consent to that effect from the Government Department;
- (b) give notice of its intention to persons appearing to it to be the conductors of the course, or the recipients of the qualifications, or the controllers of the institution;
- (c) afford persons in paragraph (b) of this section an opportunity for making representations to the Board with regards to the proposal; and
- (d) take into consideration any representation made in pursuance of paragraph (c) of this section (Hon. Leo Awoyemi)—Agreed to.

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

**Committee Recommendation:**

**Clause 28: Effect of withdrawal of approval.**

- (1) Any withdrawal of approval under Section 24 of this Bill takes effect on the day the instrument of the withdrawal is signed by the President/Chairman of the Board.
- (2) The Board shall as soon as possible publish every instrument of withdrawal of approval in the Institute's Newsletter or in the Gazette (Hon. Leo Awoyemi)—Agreed to.

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

**Committee Recommendation:**

**Clause 29: Monitoring of examinations and training.**

The Board shall keep itself informed of the nature of the—

- (a) instruction given at approved institutions; and
- (b) examinations as a result of which approved qualifications are granted (*Hon. Leo Awoyemi*)—*Agreed to.*

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

*Committee Recommendation:*

**Clause 30: Monitoring Committee.**

- (1) The Board shall appoint an Examination and Training Monitoring Committee (in this Bill referred to as the "Monitoring Committee") for the purpose of Section 29.
- (2) The Monitoring Committee shall report to the Board on the adequacy of the instructions and examinations given by the institutions visited by it and any other matter relating to such instructions and examinations, but no member of the Committee shall interfere with the giving or holding of instructions and examinations.
- (3) Upon the receipt of a report made in pursuance of Section 30 (2), the Board may send a copy of it to the management of the institution to which the report relates or to the person responsible for the examinations, requesting that comments be made on the report within a stipulated period (not being less than one month) from the date of the receipt of the request (*Hon. Leo Awoyemi*)—*Agreed to.*

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

*Committee Recommendation: Clause 31:*

**Investigating Panel.**

- (1) There shall be for the Institute an Investigating Panel responsible for conducting a preliminary investigation in a case of alleged professional misconduct and deciding whether such a case be referred to the Disciplinary Committee.
- (2) The Investigating Panel shall consist of five members to be appointed by the Board from the members of the Institute (*Hon. Leo Awoyemi*)—*Agreed to.*

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

*Committee Recommendation:*

**Clause 32: Disciplinary Committee.**

- (1) There shall be for the Institute a Disciplinary Committee which shall be responsible for considering and determining—
  - (a) cases brought before it by the Investigating Panel; and
  - (b) any other case that it takes cognisance of.
- (2) The Disciplinary Committee shall consist of—
  - (a) five members of the Institute to be appointed by the Board; and
  - (b) one representative of the Government Department.
- (3) The Second Schedule to this Bill applies accordingly in relation to the Disciplinary Committee and Investigation Panel (*Hon. Leo Awoyemi*)—*Agreed to.*

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

*Committee Recommendation:*

**Clause 33: Professional misconducts.**

- (1) Where a member of the Institute is—
  - (a) adjudged guilty of a professional misconduct by the Disciplinary Committee; **or**

- (b) convicted by a Court of competent jurisdiction, of an offence which in the opinion of the Disciplinary Committee is incompatible with the status of a member of the Institute; or
- (c) discovered to have been enrolled or registered fraudulently, the Disciplinary Committee may either give such a person a written reprimand or direct the Registrar to strike his name off the Institute's Register.

(2) The Board shall make rules as to what acts constitute professional misconduct; for the procedures of the Investigating Panel and Disciplinary Committee; mode of appeal and serving of notices; and all matters incidental to the duties of the Investigating Panel and Disciplinary Committee (*Hon. Leo Awoyemi*)—*Agreed to.*

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

*Committee Recommendation:*

Clause 34: Qualified but un-enrolled persons.

Any person not being a member of the former Institute, who but for this Act would have been qualified to apply for and obtain membership of the former Institute, may within the period of six months from the commencement of this Act apply for membership of the Institute in such a manner as may be prescribed in rules made by the Board. And where an application under this section is approved by the Board, the applicant shall be enrolled or registered according to his qualification (*Hon. Leo Awoyemi*)—*Agreed to.*

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

*Committee Recommendation:*

Clause 35: Private practice.

- (1) A person shall be deemed to practice privately as Certified Secretary or Certified Verbatim Reporter (in this Bill referred to as "the profession"), if in consideration of remuneration he engages in the private practice of the profession or renders any other service which may by regulations made by the Board be designated as service constituting private practice.
- (2) Nothing in Subsection (1) of this section shall be construed as exempting persons who, while in employment are required under the terms or in the course of such employment to perform the duties of a professionally Certified Secretary or Certified Verbatim Reporter or both (*Hon. Leo Awoyemi*)—*Agreed to.*

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

*Committee Recommendation:*

Clause 36: Training, subscription, etc. of members of the profession.  
The—

- (a) training;
- (b) supervision and regulation of employment;
- (c) subscription and renewal of subscription;
- (d) licence to practice and practising fees; and
- (e) restriction of right to practice privately,

of persons engaged in the profession shall be regulated by the Board (*Hon. Leo Awoyemi*)—*Agreed to.*

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

*Committee Recommendation:*

Clause 37: Offences and penalties.

- (1) Any person who—

- (a) for the purpose of procuring the enrolment or registration of any name, makes a statement which he believes to be false or recklessly makes a statement which is false materially; or
  - (b) Any person, who is not a member of the Institute shall not take or use any name, title or description implying that he is a member of or affiliated to the Institute after the commencement of this Act,
  - (c) Any person, being the Registrar or any other person employed by or on behalf of the Institute, wilfully makes any falsification in any matter relating to the Registrar,
- (2) Any person, who contravenes the provisions of Section 37 Subsection (1) (c), (b) and (c) is guilty of an offence and liable upon summary conviction to a fine not exceeding N5,000.00 or to a term of imprisonment not exceeding three months or both, or conviction not exceeding three months or both, or conviction of an indictment to a fine of not exceeding N10,000.00 or a term of imprisonment not exceeding three to six months or both (*Hon. Leo Awoyemi*)—*Agreed to.*

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

***Committee Recommendation:***

**Clause 38: Library, research, etc.**

- (1) The Board shall provide and maintain a library for the Institute.
- (2) The library shall comprise books and publications which the Board deems necessary for the advancement of the profession.
- (3) The Board shall also as it thinks necessary encourage research in the profession and allied subjects (*Hon. Leo Awoyemi*)—*Agreed to.*

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

***Committee Recommendation:***

**Clause 39: Seal.**

The fixing of the seal of the Institute shall be authenticated by the signature of the Registrar and the President of the Institute or some other member of the Board authorised to do so (*Hon. Leo Awoyemi*)—*Agreed to.*

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

***Committee Recommendation:***

**Clause 40: Disclosure of interest.**

Any member of the Board or a Committee of the Board who has a personal interest in any contract to be considered or entered into by the Institute shall disclose such interest to the Board and shall not vote on any question relating to the contract (*Hon. Leo Awoyemi*)—*Agreed to.*

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

***Committee Recommendation:***

**Clause 41: Savings and Transition.**

Members of the former Institute shall be registered as members of the Institute and staff of the former Institute shall become staff of the Institute with corresponding status, designation and functions, upon the commencement of this Bill (*Hon. Leo Awoyemi*)—*Agreed to.*

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

***Committee Recommendation:***

**Clause 42: Amendment.**

Any amendment to this Bill shall be proposed to the members at an annual general meeting of the Institute, and if approved by a two-third majority of the members present and voting shall be notified to the Government Department (*Hon. Leo Awoyemi*)—*Agreed to.*

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

**Committee Recommendation: Clause  
43: Interpretation.**

**In this Bill—**

**"fees" includes all subscriptions; {Hon. Leo Awoyemi)—Agreed to.**

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

**"former Institute" means the Institute of Certified Secretaries and Reporters; (Hon. Leo Awoyemi)—Agreed to.**

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

**"President and Vice-President" means respectively the office holders, under those names, in the Institute; {Hon. Leo Awoyemi)—Agreed to.**

***Question that the meaning of the words "President and Vice-President" be as defined in the interpretation to this Act, put and agreed to.***

**"professional member of the Institute" means an enrolled professional fellow, member, associate, and graduate qualified to practice the profession; (Hon. Leo Awoyemi)—Agreed to.**

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

**"registered affiliate student" means person under going an academic program leading to the qualification and career in the profession; and (Hon. Leo Awoyemi)—Agreed to.**

***Question that the meaning of the words "registered affiliate student" be as defined in the interpretation to this Act, put and agreed to.***

**"the profession" means the art and science of Secretaryship and Verbatim Reporting for dissemination of information for management decision making and for the guidance of effective executive actions (Hon. Leo Awoyemi)—Agreed to.**

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

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

**Committee Recommendation:**

**Clause 44: Citation.**

**This Act may be cited as the Chartered Institute of Certified Secretaries and Reporters of Nigeria Bill, 200S (Hon. Leo Awoyemi)—Agreed to.**

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

**FIRST SCHEDULE**

**Section {9}**

**MEETINGS**

- 1. The Board may make standing orders regulating the proceedings of meetings of the Institute and the Board.**
- 2. Any question proposed for decision in the meeting of the Board or the Institute shall be determined by a simple majority of those present and voting; and any person presiding in any of these meetings shall not cast a vote on any issue except when there is a tie.**

3. The quorum for any meeting of the Board shall be seven (7) members and that of the meeting of the Institute shall be twenty-five per cent of the registered members of the Institute.
4. The Board may form Committees for the discharge of its functions and it may co-opt into a Committee any person whose advice it desires to obtain but such person shall not vote on any question. The quorum for any committee shall be as set out in the standing orders mentioned in paragraph 1 of this Schedule. The decision of any Committee is subject to ratification by the Board.
5. The Board shall convene the annual general meeting of the Institute on or before 30th April in every year or on such other day that the Board may appoint so however that if an annual general meeting is not held within one year after the previous one, not more than fifteen (15) months shall elapse between the respective dates of the two meetings.
6. An extraordinary general meeting may be convened by the Chairman of the Board, if not less than twenty percent of the members of the Institute require it by notice in writing addressed to the Registrar of the Institute, setting out the objects of the proposed meeting.
7. The Board shall meet whenever summoned by the Chairman, and if not less than seven members by notice in writing to the Chairman require him to convene a meeting, he shall do so within seven (7) days from the day on which the notice was given *{Hon. Leo Awoyemi}—Agreed to.*

*Question that the provisions of the First Schedule stand part of the Bill, put and agreed to.*

## SECOND SCHEDULE

*Section 32*

### SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY COMMITTEE AND INVESTIGATION PANEL

1. The quorum for the Disciplinary Committee shall be four (4) members (two Certified Secretaries and two Certified Verbatim Reporters) while the quorum for the Investigating Panel shall be three (3) members.
2. The Board shall make standing orders to regulate the modalities for the investigations.
3. No person shall be member of both the Disciplinary Committee and the Investigating Panel on the same case.
4. The expenses incurred by both the Disciplinary Committee and the Investigating Panel shall be defrayed from the Institute's Fund *(Hon. Leo Awoyemi)—Agreed to.*

*Question that the provisions of the First Schedule stand part of the Bill, put and agreed to.*

#### *Committee Recommendation:*

**Long Title:** That the words "A Bill for an Act to Establish the Chartered Institute of Certified Secretaries and Reporters for the Registration and Discipline of Certified Secretaries and Reporters, and to Provide for a Governing Board Charged with the Responsibility Among Other Things, Formulation of Policies for the Institute; and for Connected Purposes", be the Long Title to the Bill *(Hon. Leo Awoyemi).—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 Committee on Public Service Matters on A Bill for an Act to Establish the Chartered Institute of Certified Secretaries and Reporters for the Registration and Discipline of Certified Secretaries and Reporters, and to Provide for a Governing Board Charged with the Responsibility Among Other Things, Formulation of Policies for the Institute; and for Connected Purposes, 2004 and approved Clauses 1 - 44, the First and Second Schedules and the Long Title to the Bill.

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

- (ii) **Joint Committee on Agriculture, Finance and Justice:**  
*Motion made and Question proposed;* "That this House do consider the Report of the Joint Committee on Agriculture, Finance and Justice on A Bill for an Act to Amend the Agricultural Credit Guarantee Scheme Fund Act, Chapter 13, Laws of the Federation of Nigeria 1990, by Increasing the Membership of the Board and the Number of Members to Form Quorum at Meetings and approve the Recommendations therein" (*Hon. Ahmed Lawan*).

*Question put and agreed to.*

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

(HOUSE IN COMMITTEE)

(*Mr Deputy Speaker in the Chair*)

**A BILL FOR AN ACT TO AMEND THE AGRICULTURAL CREDIT SCHEME FUND ACT,  
CHAPTER 13 LAWS OF THE FEDERATION OF NIGERIA 1990 BY INCREASING THE MEMBERSHIP  
OF THE BOARD AND THE NUMBER OF MEMBERS TO FORM QUORUM AT MEETING**

**Committee Recommendation:**

- Clause 1:**      Establishment of the Fund, etc.
- (1)      There shall be established a fund to be known as the Agricultural Credit Guarantee Scheme Fund (hereinafter referred to as "the Fund") for the purpose of providing guarantees in respect of loans granted for agricultural purposes by any bank in accordance with the provisions of this Act.
  - (2)      The guarantees to which Subsection (1) of this section relates are guarantees in relation to the repayment of the interest and principal of the Loan.
  - (3)      The reference in this section to Agricultural purposes is a reference to any of the purposes set out in the schedule to this Act.
  - (4)      The minister may by order published in the Federal Gazette add to, delete from or otherwise vary the provisions of the schedule to this Act {*Han Ahmed Lawan*)—*Agreed to.*

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

**Committee Recommendation:**

- Clause 2:**      Establishment of the Board.
- (1)      The fund shall, subject to section 4 of this Act, be managed by a body to be known as the Agricultural Credit Guarantee Scheme Fund Board (hereinafter referred to as "the Board") which shall be a body corporate with perpetual succession and common seal and may sue and be sued in its corporate name.
  - (2)      The Board shall comprise—
    - (a)      four persons appointed by the Minister, one of whom shall be designated chairman;
    - (b)      two representatives of the Central Bank; and
    - (c)      one representative of the Bankers Committee;
    - (d)      one Representative of Federal Ministry of Agriculture and Rural Development; and
    - (e)      one Representative of National Apex Farmers Association of Nigeria (NAFAN).
  - (3)      The Quorum for meetings of the Board shall be five of whom at least one shall be a representative of the Central Bank.
  - (4)      The Board shall meet not less than four times in each year and on such other occasions, as the Board may consider necessary.

- (5) At any meeting of the Board the chairman shall preside; but if he is absent the members.
- (6) present at the meeting shall appoint one of their numbers to preside at that meeting.
- (7) Subject to Section 27 of the interpretation Act (which provides for decisions of a statutory body to be taken by a majority of its members and for the presiding to have a casting vote) the Board may make standing orders regulating its proceedings or any subcommittee thereof.
- (8) Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him as a member for which period as its thinks fit; but a person who is by virtue of this subsection shall not be entitled to vote at any meeting of the Board and shall not count towards a Quorum.
- (9) There shall be a secretary to the Board who shall be an official of the Central Bank designated as such and the secretariat of the Board shall be located in the Central Bank.
- (10) The administrative expenses of the Board shall be borne by the Federal Government (*Hon Ahmed Lamm*)—*Agreed to.*

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

*Committee Recommendation:*

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Clause 3: Functions of the Board.

- (1) Notwithstanding any other provisions of this Act the functions of the Board shall include the general power to—
  - (a) monitor the operation and evaluate the progress of the scheme;
  - (b) advise the minister as to changes required to improve the operation of the fund;
  - (c) receive and consider the report of the management agent of the fund and advise the minister there on;
  - (iv) determine the remuneration of external auditors and solicitors in line with financial regulations of the Federation;
  - (e) perform such other duties relating to the fund as may be referred to it by the minister;
  - (f) publish names of defaulters of Loans granted under this Act in the national newspapers;
  - (g) pursue defaulters through judicial action;
  - (h) solicit the assistance of government Loan machineries in the recovery of Loans granted under this Act.
- (2) The minister may give the Board directions of general character or relating generally to particular matters 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 Ahmed Lawan*)—*Agreed to.*

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

*Committee Recommendation:*

Clause 4: Appointment of Managing Agent.

- (1) The Minister may appoint for such period as he may deem fit any person (whether corporate or unincorporated) as the managing agent for the administration of the fund and any person so appointed shall act in accordance with any general or special directions may from time to time be given by the Board.

- (2) The Central Bank shall be deemed to have been appointed as the managing agent for the purposes of Subsection (1) of this section and the appointment shall have effect for such period as the minister may direct.
- (3) Any person appointed as managing agent pursuant to this section shall be remunerated from moneys for that purpose by the Federal Government upon such terms as the Board may, with the approval of the minister, determine (*Hon Ahmed Lawan*)—*Agreed to.*

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

#### FINANCIAL PROVISIONS

***Committee Recommendation:***

**Clause 5: Amount to be paid into the funds.**

The fund shall consist of the sum of Five Billion Naira which shall be paid as soon as may be after the establishment of the fund and shall be contributed—

- (a) as to sixty percent, by the Federal Government; and
- (b) as to forty percent, by the Central Bank (*Hon Ahmed Lawan*)—*Agreed to.*

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

***Committee Recommendation:***

**Clause 6: Limits of Liability of the Fund in respect of guarantees, etc.**

- (1) The maximum Liability of the fund in respect of any guarantee given pursuant to this Act shall not exceed seventy five percent of the specified Loan, being—
  - (a) in the case of a Loan granted to any individual, any sum up to but not exceeding N1,000,000; and
  - (b) in the case of Loan granted to a co-operative society or a corporate body any sum up to but not exceeding N20,000,000.
- (2) For the purposes of this section Loan means the principal Loan and the interest thereon (*Hon Ahmed Lawan*)—*Agreed to.*

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

***Committee Recommendation:***

**Clause 7: Applications for Loan's and for guarantees.**

Applications for guarantees under this Act shall be made to the Board by the Bank concerned following a request for a Loan made to bank and such applications shall be in such form as the minister may prescribe (*Hon Ahmed Lawan*)—*Agreed to.*

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

***Committee Recommendation:***

**Clause 8: Form and Terms of Loan Agreement.**

Every agreement for a Loan in respect of which a guarantee is to be given under this Act shall be in such form and upon such terms and conditions as the minister may approve (*Hon Ahmed Lawan*)—*Agreed to.*

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

***Committee Recommendation:***

**Clause 9: Rate of Interest.**

The rate of interest payable on a Loan granted pursuant to this Act shall be as may be directed by the Central Bank at 8% interest rate (*Hon Ahmed Lawan*).

***Amendment Proposed:***

In line 2, leave out the words "at 8% interest rate (*Hon. Ita Enang*)."

***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: Forms of Security.

- (1) Security required by a bank for the purpose of any Loan under this Act may be one or more of the following, that is to say—
  - (a) a charge on Land in which the borrower holds a Legal interest or a right to farm or a charge on the crops on such Land;
  - (b) a charge on the movable property of the borrower;
  - (c) a life assurance policy a provisory note or other negotiable security;
  - (d) stocks and shares;
  - (e) a personal guarantee;
  - (f) any other security acceptable to the Bank.
- (2) The requirement of security for a Loan specified under the provisions of Subsection (1) of this section may be waived in the case of a Loan of the sum of N5.000.00 or below granted to a small-scale farmer provided that such a small scale farmer produces a letter of introduction from the village head and extension workers in the area (*Hon Ahmed Lawan*)—*Agreed to.*

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

*Committee Recommendation:*

**Clause 11: Safeguard in respect of certain Loans.**

Where a Loan or any portion thereof, in respect of which a guarantee is to be given under this Act, is to be applied to the purchase of Livestock, machinery or farming equipment, the Loan or portion thereof, as the case may be shall not be paid to the borrower but shall instead be paid by the Bank directly to the supplier who shall furnish the bank with a copy of the directly note or other document in evidence of the delivery of the Livestock machinery or farming equipment to the borrower (*Hon Ahmed Lawan*)—*Agreed to.*

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

*Committee Recommendation:*

**Clause 12: Recovery of outstanding Loan.**

- (1) Where there has been a default in the repayment of the interest or principal of any Loan guaranteed under this Act the bank concerned shall in the first instance endeavour to recover the amount outstanding from the borrower on his sureties, if any, and may for that purpose dispose of any security obtained in respect of the Loan.
- (2) Where any part of the interest or principal remains outstanding after the steps specified in Subsection (1) of this section have been taken or where the recovery of any amount outstanding is impracticable, the bank may apply in the prescribed form to the Board for payment and the Board shall in accordance with the terms of the guarantee settle the claim (*Hon Ahmed Lawan*)—*Agreed to.*

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

*Committee Recommendation:*

**Clause 13: Loans to be applied for the purposes for which they are made and offences.**

- (1) No Loan granted pursuant to this Act shall be applied to any purpose other than that for which the Loan was granted.
- (2) Any person who applies any Loan granted pursuant to this Act in contravention of Subsection (1) of this section shall be guilty of an offence and shall be liable on conviction to a fine of an amount not less than the amount of the Loan in respect of which the offence was committed or to imprisonment for not less than five years.

- (3) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate (or any person purporting to act in any such capacity) he as well as the body corporate shall be deemed to be guilty of the offence and may be proceeded against and punished accordingly (*Hon Ahmed Lawan*)—*Agreed to*.

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

#### MISCELLANEOUS AND SUPPLEMENTARY

***Committee Recommendation:***

**Clause 14: Rules and Publication thereof.**

- (1) The minister may make rules with respect to any of the following matters, that is to say—
- (a) form of application for Loans and for guarantee of Loans under this Act;
  - (b) terms, conditions, rates of interest, fees or administrative changes in respect of Loans;
  - (c) form of application for repayment of outstanding Loan under any guarantee and other matters connected therewith;
  - (d) any other matter that may be incidental or supplemental to any of the above matters.
- (2) It shall not be necessary for any rules made by the minister under this section to be published in the Federal Gazette but where the provisions of any rules may affect the interest of any person the Board shall bring any information contained there under to the notice of the person affected in such manner (including publication thereof in the Federal deem necessary (*Hon Ahmed Lawan*)—*Agreed to*.
- I**

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

***Committee Recommendation: Clause***

**15: Legal Proceedings.**

All Legal proceedings of a Civil nature arising from the failure of any borrower to repay a Loan granted by a bank and guaranteed under this Act or arising from any matter pertaining to any guarantee given pursuant to this Act shall be instituted and conducted by or against the Board (*Hon Ahmed Lawan*)—*Agreed to*.

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

***Committee Recommendation:***

**Clause 16: Investment of Surplus moneys in the Fund.**

Moneys in the fund which may at any time be surplus to the current needs of the fund may be invested in such securities as may from time to time be approved by the minister (*Hon Ahmed Lawan*)—*Agreed to*.

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

***Committee Recommendation: Clause***

**17: Accounts and Audit.**

- (1) The managing agent shall keep separate accounts in respect of moneys forming part of the fund and proper records in relation thereto and shall prepare annually a statement of accounts in such form as the Minister may direct.
- (2) For the purpose of Subsection (1) the financial year of the fund shall be from 1st January to 31st December of every year or such other period as may be determined by the Board with the approval of the Minister.
- (3) The accounts of the fund shall be audited annually by such person and on terms as the Minister may direct (*Hon Ahmed Lawan*)—*Agreed to*.

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

**Committee Recommendation:** Clause

**18: Annual Reports.**

- (1) It shall be the duty of the managing agent to prepare and submit through the Board to the Minister not later than three months after the end of each year a report which shall be in form as the Minister may direct.
- (2) The report shall include the audited accounts of the fund in respect of the period in Question together with the auditor's report on the accounts and shall be presented by the Minister to the National Council of Minister so soon after receipt thereof as may be convenient (*Hon Ahmed Lawan*)—*Agreed to.*

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

**Committee Recommendation:**

**Clause 19: Interpretation.**

In this Act unless the context otherwise requires—

"bank" has the same meaning as in the Banking Act: (*Hon Ahmed Lawan*)—*Agreed to.*

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

"the Board" means the Agricultural Credit Guarantee Scheme Fund Board established by Section 2 of this Act; (*Hon Ahmed Lawan*)—*Agreed to.*

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

"Central Bank" means the Central Bank of Nigeria established by the Central Bank of Nigeria Act: (*Hon Ahmed Lawan*)—*Agreed to.*

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

"The Fund" means the Agricultural Credit Guarantee Scheme Fund established by section of this Act; (*Hon Ahmed Lawan*)—*Agreed to.*

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

"Loan" includes advances overdrafts and any Credit Facility; (*Hon Ahmed Lawan*)—*Agreed to.*

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

"The Minister" means the Federal Minister charged with responsibility for finance (*Hon Ahmed Lawan*)—*Agreed to.*

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

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

**Committee Recommendation:**

**Clause 20: Short Title.**

This Act may be cited as the Agricultural Credit Guarantee Scheme Fund (Amendment) BUI, 2005 (*Hon Ahmed Lawan*)—*Agreed to.*

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

***Committee Recommendation:***

**Long Title:** That the words "A Bill for an Act to Amend the Agricultural Credit Guarantee Scheme Fund Act, Chapter 13, Laws of the Federation of Nigeria 1990, by Increasing the Membership of the Board and the Number of Members to Form Quorum at Meetings", be the Long Title to the Bill (*Hon. Leo Awoyemi*).—*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 Agriculture, Finance and Justice on A Bill for an Act to Amend the Agricultural Credit Guarantee Scheme Fund Act, Chapter 13, Laws of the Federation of Nigeria 1990, by Increasing the Membership of the Board and the Number of Members to Form Quorum at Meetings, 2005 and approved Clauses 1 - 20 with some slight amendments and the Long Title 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, 1 March, 2005 at 10.00 a.m. (*Hon. Abdul Ningi*).**

***Adjourned accordingly at 1.15p.m.***

**Aminu Bello Masari  
Speaker**