



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Wednesday, 11 May, 2005

1. The House met at 2.50 p.m. Mr. Speaker read Prayers.
2. Votes **and** Proceedings
Mr. Speaker announced that he had examined and approved the Votes and Proceedings of 10 May, 2005.
By unanimous consent, the Votes and Proceedings was adopted.
3. Announcement:
Visitors:
Mr. Speaker announced the presence in the Gallery of visiting Constituents from Owo East/Owo West Federal Constituency at the instance of Hon Abdul Oroh
4. Strike Action by RATTAWU, NUJ, AUPCTRE on the Non-Implementation of the Monetised Fringe Benefit of the Federal Parastatals/ Agency

Motion Made and Question proposed

"The House:

Notes that RATTAWU, NUJ, AUCPTRE, three key Unions in the Federal Government-owned Media on May 3, 2005, commenced a three day warning strike to protest the Non-Implementation of the Federal Government's policy as it affects their members;

Aware that the strike involving the three Unions had never happened in the history of Nigeria;

Concerned that after a series of meetings and assurances by the Presidency, Minister of Labor, Employment and Productivity and Secretary to the Government of the Federation, their monetisation allowances have not been paid since October 2003, when the policy commenced in the core Federal Ministries;

Informed that these Unions suspended an earlier strike scheduled for Wednesday, February 23, 2005 after assurances that the Federal Government would fulfil the agreement for the payment of the allowances on or before April 30, 2005;

Further concerned that the Unions have once again been disappointed as the Executive had not kept its promises;

Disturbed that the 3 day warning strike was biting and successful and had grave implications for the Electronic Media and if not addressed now the next strike would spread to all State Radio and Television Stations across the country through the State Council of the Unions;

Resolves to;

- (i) condemn the Federal Government for breach of a valid Agreement;

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE INFRASTRUCTURE
CONCESSION REGULATORY COMMISSION AND FOR MATTERS CONNECTED THEREWITH

Committee Recommendation:

- Clause 26: Expenditure of the Commission.
The Commission may, from time to time, apply the proceeds of the fund established under Section 21 of this Act—
- (a) to the cost of administration of the Commission;
 - (b) to the payment of the emoluments, allowances and benefits of members of the Board and for reimbursing members of the Board or of any committee set up by the Board and for such expenses as may be expressly authorised by the Board;
 - (c) To the payment of the salaries, or other remuneration or allowances, gratuities and pensions, and other benefits payable to the staff and other employees of the Commission, 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 emoluments from the Government of the Federation or of a State;
 - (d) for the development and maintenance of any property vested in or owned by the Commission;
 - (e) for maintaining general financial reserves subject to general or special directive that may be given in that behalf by the President in accordance with the provisions of this Act; and
 - (f) for and in connection with all or any of its functions under this Act (*Hon. Yahaya Yunusa*)—Agreed to.

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

Committee Recommendation:

- Clause 27: Annual estimates and accounts.
- (1) The Commission shall, not later than 30th September in each year, submit to the President an estimate of its expenditure and income (including payments to me Commission fund) for the next succeeding year.
 - (2) The Commission shall keep proper accounts in respect of each year and proper records in relation to those accounts and shall cause its accounts to be audited within six months after the end of each year by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation (*Hon. Yahaya Yunusa*).

Amendment Proposed:

Leave out all the words in Subclause (1) (Hon. Leo Ogor).

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

Question that the provision in Clause 27, as amended, stand part of the Bill, put and agreed to.

Committee Recommendation:

- Clause 28: Annual reports.
- (1) The Commission shall prepare and submit to the President not later than 30th June in each year a report in such form as the President may direct on the activities of the Commission during the immediately preceding year, and shall include in the report a copy of the audited accounts of the Commission for that year and of the auditor's report thereon.
 - (2) The President shall lay a copy of the report and the auditors report thereon before the National Assembly so soon after the receipt thereof (*Hon. Yahaya Yunusa*).

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

Question that the provision in Clause 30, as emended, stand part of the Mil, put and agreed to.

Committee Recommendation:

Clause 31: Service of documents.
A notice, summons or other document required or authorised to be served on the Commission under the provisions of this Act or any other law or enactment may be served by delivering it to the Director-General or by sending it by registered post addressed to the Director-General at the principal office of the Commission (*Hon. Yahaya Yunusa*)
—Agreed to.

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

Committee Recommendation:

Clause 32 Restriction on execution against property of the Commission.
(1) In any action or suit against the Commission, no execution or attachment of process in the nature, thereof shall be issued against the Commission unless not less than three months notice of the intention to execute or attach has been given to the Commission.
(2) Any sum of money which by the judgment of any court has been awarded against the Commission shall, subject to any direction given by the court, where no notice of appeal against the judgment has been given, be paid from the fund of the Commission (*Hon. Yahaya Yunusa*).

Amendment Proposed:

Leave out all the words in Subclause (1) (Hon. Ita Enang).

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

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

Committee Recommendation:

Clause 33: Indemnity of officers.
A member of the Board, the Director-General or any officer or employee of the Commission shall be indemnified out of the assets of the Commission 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, Director-General, officer or other employee of the Commission (*Hon. Yahaya Yunusa*)—Agreed to.

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

PART VII—MISCELLANEOUS PROVISIONS

Committee Recommendation:

Clause 34: Directives by the President, etc.
The President may give to the Commission such directives of a general nature or relating generally to matters of policy with regards to the exercise of its or his functions under this Act as he may consider necessary and it shall be the duty of the Commission to comply with the directives or cause them to be complied with (*Hon. Yahaya Yunusa*)—Agreed to.

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

Committee Recommendation:

Clause 33: Power to make regulations.
(1) The Board may, with the approval of the President, make such regulations as in its opinion are necessary or expedient for giving full effect to the provisions of this Act and for the due administration of its provisions.
(2) Without prejudice to the generality of Subsection (1) of this section, the Board may issue guidelines to give full effect to the provisions of this Act (*Mm. Yahaya Yunusa*)—Agreed to.

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

"contractor" means any person or body corporate who may or may not be a project proponent who enters into a contract or has been granted a concession by any Federal Government Ministry, agency, corporation or body and undertakes to construct any infrastructure or facility or supply any equipment for any infrastructure or facility under this Act; (*Hon. Yahaya Yunusa*).

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

"construction" means any form of engineering work either civil, structural, mechanical or electrical and includes but not limited, to rehabilitation, improvement, expansion, alteration and related works and activities, supply and installation of equipment or materials; (*Hon. Yahaya Yunusa*).

Question that the meaning of the word "construction" be as defined in the interpretation to this Act, put mid

"Director-General" means the Director-General of the Commission appointed under Section 18 of this Act; (*Hon. Yahaya Yunusa*).

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

"infrastructure" includes development projects which, before the commencement of this Act, were financed, constructed, operated or maintained by the Government and which, after the commencement of this Act, may be wholly or partly implemented by the private sector under an agreement pursuant to this Act including but not limited to power plants, highways, seaports, airports, canals, dams, hydroelectric power projects, water supply, irrigation, telecommunications, railways, inter-state transport systems, land reclamation projects, environmental re-mediation and clean-up projects, industrial estates or township development, housing, government buildings, tourism development projects, trade fair complexes, warehouses, solid wastes management, satellite and ground receiving stations, information technology networks and database infrastructure, education and health facilities, sewerage, drainage, dredging, and other infrastructure and development projects as may be approved, from time to time, by &e Federal Executive Council; (*Hon. Yahaya Yunusa*).

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

"member" means a member of the Governing Board of the Commission and includes the Chairman; (*Hon. Yahaya Yunusa*).

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

"new investment and development projects" include—

- (a) any project involving any infrastructure, not existing at the time the concession is being made, that will require the injection of substantial funds or resources to design, construct, build, maintain or operate such infrastructure, or
- (b) any project involving any infrastructure, existing at the time the concession is being made, that will require the injection of substantial funds or resources to repair, service, overhaul, improve, maintain or sustain such infrastructure; (*Hon. Yahaya Yunusa*).

Question that the meaning of the words "new investment and development projects" be as defined in the interpretation to this Act, put and agreed to.

"President" means the President of the Federal Republic of Nigeria; (*Hon. Yahaya Yunusa*).

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

Committees

8. The Board may appoint one or more committees to carry out on behalf of the Board such of its functions as the Board may determine and report on any matter with which the Board is concerned.
9. A committee appointed under paragraph 8 of this Schedule shall be presided over by a member of the Board and consist of such number of persons (not necessarily all members of the Board) as may be determined by the Board, and a person other than a member of the Board shall hold office on the committee in accordance with the terms of his appointment.
10. A decision of a committee of the Board shall be of no effect until it is confirmed by the Board.

Miscellaneous

11. The fixing of the seal of the Commission shall be authenticated by the signature of the Chairman and the Director- General or the Director-General and such other person authorised by the Board to act for that purpose.
12. A contract or an instrument which, if made or executed by any person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Commission by the Chairman or the Director-General or by any person generally or specifically authorised to act for mat purpose by the Board.
13. A document purporting to be a contract, an instrument or other document signed or seated on behalf of the Commission shall be received in evidence and, unless the contrary is proved, be presumed without further proof, to have been properly signed or seated.
14. The validity of any proceedings of the Board or its committees shall not be affected by—
 - (a) any vacancy in the membership of the Board or its committees; or
 - (b) reason that a person not entitled to do so took part in the proceedings; or
 - (c) any defect in the appointment of a member.
15. Any member of the Board or committee thereof who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Board or any committee thereof—
 - (a) shall forthwith disclose his interest to the Board or committee; and
 - (b) shall not vote on any question relating to the contract or arrangement (*Hon. Yahaya Yunusa*)—*Agreed to*.

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

Committee Recommendation:

Long Title: That the words "An Act to Provide for Establishment of Infrastructure Concession Regulatory Commission; and for Matters Connected Therewith, 2005" be the Long Tide to die Bill (*Hon. Yahaya Yunusa*)—*Agreed to*.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in the Committee of Whole resumed consideration of the Report of the Joint Committee on Works and Housing and Urban Development on A Bill for an Act to Provide for Establishment of Infrastructure Concession Regulatory Commission; and for Matters Connected Therewith, 2004 and approved Clause 26, Clause 27 as amended, Clause 28, as amended, Clause 29, as amended, Clauses 30, 31, 31, Clause 32, as amended, Clauses 33, 34, 35, 36, Clause 37, as amended, Clause38 and the Long Title to the Bill.

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

6. Adjournment:

That this House do now adjourn till Thursday, 12 May, 2005 at 10.00 a.m. (*Hon. Abdul Ningi*).

Adjourned accordingly at 5.06 p.m.

Aminu Bello Masari
Speaker