

HOUSE OF REPRESENTATIVES

FOURTH REPUBLIC
2ND NATIONAL ASSEMBLY
SECOND SESSION
NO. 9

739



FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Wednesday, 1 June, 2005

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1. The House met at 2.50 p.m. Mr Deputy Speaker read Prayers.
 2. Votes and Proceedings:
Mr Deputy Speaker announced that he had examined and approved the Votes and Proceedings of Tuesday, 31 May, 2005.

By unanimous consent, the Votes and Proceedings was adopted.
 3. Announcement:
Visitor:
Mr Deputy Speaker acknowledged the presence in the Gallery, of Hon. Jide Omoworare, Leader, Lagos State House of Assembly.
 4. Petitions:
Two Petitions were received and referred to the Committee on Public Petitions:
 - (i) Hon. Abdullahi Shaibu Hashim, from Mallam Mohammed Ibrahim, praying the House to intervene in his wrongful dismissal by the Nigerian Telecommunications Ltd;
 - (n) Hon. Taofeek Arapaja, from 45 former officers of the Nigerian Railway Corporation, praying the House to investigate the circumstances of their dismissal and grant the reliefs sought in the petition.
 5. Complaint against Publication (Order V, Rule 4):
Hon. Uche Onyeagucha complained that a Notice Paper published on Thursday, 19 May, 2005, listed him as a co-sponsor of a Motion which sought to compel the Lagos State Governor to obey the Judgment of the Supreme Court. He disassociated himself from the publication and asserted that the publication had brought him to disrepute and infringed on his privilege. Concluding, he asked that his name be expunged from the said publication.

Secretariat directed to note and the Rules and Business Committee to ensure that future Motions were duly signed by the Sponsors.
 6. Presentation of a Bill:
Pension Rights of Federal Judicial Officers (Transfer of Responsibility and Administration) Bill, 2005—*Read the First Time.*
 7. Committee on Federal Capital Territory:
Consideration and Adoption of Conference Report on the Federal Capital Territory Appropriation Bill, 2005:
Motion made and Question proposed,

The House on Wednesday, 27 April, 2005 passed the Federal Capital Territory Appropriation Bill, 2005;

The two Chambers met in Conference on Thursday, 26 My, 2005; resolved the differences arising therefrom and accepted a harmonized version of the Bill;

A clean copy of the Conference Report is ready for presentation and adoption; Considering

the importance of the Bill to the development of the Federal Capital Territory;

Resolves to adopt the Conference Report on the Federal Capital Territory Appropriation Bill, 2005 (*Hon. Philip T. Aduda*).

Question put and agreed to.

8. Ratification of Treaty:

Motion made and Question proposed, "That the House, having adopted the Report of the Committee of Whole on a **Bill** for an Act to Enable Effect to be Given in the Federal Republic of Nigeria to United Nations Convention on the Carriage of Goods by Sea; and Matters Connected Therewith, 2005, do advise and consent to the Ratification of the Treaty in the form agreed to" (*Hon Abdul Ningi*).

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

9. A Bill for an Act to Provide for the Establishment of Nigerian National Commission for the United Nations Educational, Scientific and Cultural Organization in the Federal Republic of Nigeria; and for Purposes Connected Therewith, 2005—Third Reading:

Motion made and Question proposed, "That a Bill for an Act to Provide for the Establishment of Nigerian National Commission for the United Nations Educational, Scientific and Cultural Organization in the Federal Republic of Nigeria; and for Purposes Connected Therewith, 2005 be now read a Third Time" (*Hon. Abdul Ningi*).

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

read a Third Time and passed.

10. A Bill for an Act to Establish the Institute for Peace and Conflict Resolution; and for Matters Connected Therewith, 2005—Third Reading:

Motion made and Question proposed, "That a Bill for an Act to Establish the Institute for Peace and Conflict Resolution; and for Matters Connected Therewith, 2005 be now read a Third Time" (*Hon. Abdul Ningi*).

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

read a Third Time and passed.

11. A Bill for an Act to Provide for the Implementation of the Treaty on the West Africa Gas Pipeline Project and the International Project Agreement; and for Matters Connected Therewith, 2005—Third Reading:

Motion made and Question proposed, "That A Bill for an Act to Provide for the Implementation of the Treaty on the West Africa Gas Pipeline Project and the International Project Agreement; and for Matters Connected Therewith, 2005 be now read a Third Time" (*Hon. Abdul Ningi*).

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

read a Third Time and passed.

12. A Bill for an Act to Provide for the Establishment of the Chartered Institute of Purchasing and Supply Management of Nigeria and for Matters Connected Therewith, 2005—Third Reading:

Motion made and Question proposed, "That a Bill for an Act to Provide for the Establishment of the Chartered Institute of Purchasing and Supply Management of Nigeria; and for Matters Connected Therewith, 2005 be now read a Third Time" (*Hon. Abdul Ningi*).

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

read a Third Time and passed.

13. Consideration of Reports:
(i) *Joint Committee on Anti-Corruption and Justice:*
Motion made and Question proposed, "That this House do consider the Report of the Joint Committee on Anti-Corruption and Justice on a Bill for an Act to Amend the Advance-Fee Fraud and Other Fraud-Related Offences Act, 1995, as Amended; and for Other Purposes Connected Therewith, 2004 and approve the Recommendations therein" (Hon. Nduese Essien).

Question put and agreed to.

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

(HOUSE IN THE COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO AMEND THE ADVANCE FEE-FRAUD AND OTHER FRAUD-RELATED OFFENCES ACT, 1995 AS AMENDED AND FOR OTHER PURPOSES CONNECTED THEREWITH

Committee Recommendation:

Clause 1: Amendment of 1995 No. 13, 1999 No. 62.
The Advance Fee Fraud and Other Fraud-Related Offences Act, 1995 (in this Act referred to as "the principal Act" as amended, is hereby further amended as set out in this Act (*Hon. Nduese Essien*)—*Agreed to.*

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

Committee Recommendation:

Clause 2: Insertion of Part IA.
Immediately after the existing PART I of the principal Act, there shall be inserted a new PART IA as follows—

"PART IA—ELECTRONIC TELECOMMUNICATIONS OFFENCES, ETC.

Duty to obtain subscribers names and addresses.

11A. (1) Any person or entity providing an electronic communication service or remote computing service either by e-mail or any other form shall be required to obtain from the customer or subscriber—

- (a) full names;
 - (b) residential address, in the case of an individual; and
 - (c) corporate address, in the case of bodies corporate.
- (2) Any customer or subscriber who—
- (a) fails to furnish the information specified in Subsection (1) of this section; or
 - (b) with the intent to deceive, supplies false information or conceals or disguises the information required under this section, commits an offence and shall be liable on conviction to imprisonment for a term of not less than three years or a fine of N100,000.
- (3) Any person or entity providing the electronic communication service or remote computing service either by e-mail or any other form, who fails to comply with the provisions of Subsection (1) of this section, commits an offence and shall be liable on conviction to a fine of N100,000 and forfeiture of the equipment or facility used in providing the service.

Duties of Telecommunications and Internet Service Providers and Internet Cafes, 2003 No. 19.

11B. (1) Notwithstanding the provisions of the Nigerian Communications Commission Act, 2003 or the provisions of any other law or enactment, any person or entity who in the normal course of business provide telecommunications or Internet services or is the owner or person in the management of any premises being used as a telephone or Internet cafe or by whatever name called shall—

- (a) be registered with the Economic and Financial Crimes Commission (in this Act referred to as "the Commission"). The Registration shall be limited to:
 - (i) full name,
 - (ii) residential address in case of an individual, and
 - (iii) corporate address in the case of corporate bodies;
 - (b) maintain a register of all fixed line customers which shall be liable to inspection by any authorised officer of the Commission; and
 - (c) submit returns to the Commission on demand on the use of its facilities.
- (2) Any person whose normal course of business involves the provision of non-fixed line or Global System of Mobile Communications (GSM) or is in the management of any such services, shall submit on demand to the Commission such data and information as are necessary or expedient for giving full effect to the performance of the functions of the Commission under this Act.
 - (3) Any person specified under Subsections (1) and (2) of this section shall exercise the duty of care to ensure that his services and facilities are not utilised for unlawful activities.
 - (4) No cause of action shall lie in any court against any provider of wire or electronic communication service, its officers, employees or agents or other specified persons for providing information or facilities to the Commission.
 - (5) Any person or entity who by virtue of Subsections (1) and (2) of this section knows or ought to know that he should—
 - (a) be registered with the Commission; or
 - (b) furnish the Commission on demand, with returns on the use of his service and facilities; or
 - (c) facilitate access to data and information by authorised employees or staff of the Commission, and fails so to do with intent to conceal or disguise the nature of his activities or the use of his services and facilities, commits an offence and shall be liable on conviction to imprisonment for a term of not less than 3 years without an option of fine and in the case of a continuing offence, to a fine of N50.000 for each day the offence persists.
 - (6) Any person or entity convicted more than once under this Act shall have his operational licence revoked or canceled.

Failure to exercise due diligence.

11C. Section 7 of the principal Act is amended by inserting immediately after the existing Subsection (2), the following new Subsection (2A)—

1991 No. 25.

"(2A) When, as a result of negligence, or regulation in the internal control procedures, a financial institution or a bureau de change, fails to exercise due diligence as specified in the Banks and Other Financial Institutions Act, 1991, as amended or the Money Laundering (Prohibition) Act, 2003 in relation to the conduct of financial transactions which in fact involve the proceeds of unlawful activity—

- (i) the financial institution or bureau de change commits an offence and shall be liable on conviction to refund the total amount involved in the financial transaction and not less than N100.000 Naira sanction by the appropriate financial regulating authority;

- (ii) a Director, Secretary, employee or other staff of the financial institution or bureau de change who facilitates or contributes or otherwise is involved in the failure to exercise due diligence as stipulated under this section, commits an offence and is liable on conviction to imprisonment for a term not less than 3 years and may also be liable to be banned indefinitely or for a period of 3 years from exercising the profession which provided the opportunity for the offence to be committed (*Hon. Nduese Essien*)—*Agreed to.*

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

Committee Recommendation:

Clause 3: Amendment of Section 12.
Section 12 of the principal Act is amended by deleting the section and substituting therefore a new Section 12 as follows—

"Jurisdiction to try offences, etc.

12. (1) The High Court of the State concerned or the Federal High Court shall have jurisdiction to try offences and impose penalties under this Act.

(2) Immediately after the words "High Court of the State concerned" wherever they appear in the Act add the words "or Federal High Court" (*Hon. Nduese Essien*)—*Agreed to.*

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

Committee Recommendation:

Clause 4: Short Title.
This Act may be cited as the Advance Fee Fraud and Other Fraud Related Offences (Amendment) Bill, 2005 (*Hon. Nduese Essien*)—*Agreed to.*

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

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in the Committee of Whole, considered the Report of the Joint Committee on Anti-Corruption and Justice on a Bill for an Act to Amend the Advance-Fee Fraud and Other Fraud-Related Offences Act, 1995, as Amended; and for Other Purposes Connected Therewith, 2005 and approved Clauses 1 - 4 without amendment.

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

(ii) *Joint Committee on Housing and Urban Development and Internal Affairs:*

Motion made and Question proposed, "That the House do consider the Report on a Bill for an Act to Provide for the Protection of Persons and Properties from Fire Disaster; and for Other Related Matters, 2003 (*Hon. Osita Isunazo*).

Question put and agreed to.

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

(HOUSE IN THE COMMITTEE)

(*Mr Deputy Speaker in the Chair*)

A BILL FOR AN ACT TO PROVIDE FOR THE PROTECTION OF PERSONS AND PROPERTIES FROM FIRE DISASTER; AND FOR OTHER RELATED MATTERS, 2003

PART I—FIRE SAFETY DEVICES, PERMITS, CERTIFICATES, ETC.

Committee Recommendation:

Clause 1: Incorporation of Fire Safety Devices in the Plan of a Building.
(1) A developer applying for a permit from the development authority to—
(a) develop a land; or

- (b) alter an existing building, shall incorporate into the building plan functional fire safety devices.
- (2) The developer shall, before submitting the plan to the development authority, submit to the Fire officer two copies of the plan incorporating the fire safety devices.
- (3) The fire officer, within 3 weeks of the receipt of the plan, shall—
 - (i) examine the fire safety devices incorporated in the plan,
 - (ii) if he is satisfied that it meets the requirements set out in this Bill, issue a permit to the applicant.
- (4) Where the plan is in respect of—
 - (a) a residential building of two storeys and below; or
 - (b) an existing building to be altered, the fire officer shall properly examine, within 2 weeks of its receipt—
 - (i) the fire safety devices incorporated in the plan, and
 - (ii) in the case of an existing building to be altered, the existing building and if he is satisfied that the plan meets the requirements set out in this Bill, shall issue a permit to the applicant.
- (5) If, after the examination of the plan, the fire officer is of the opinion that the plan does not meet the requirements of this section, he may refuse to issue a permit to the applicant stating the reason for his refusal.
- (6) The plan submitted to the fire officer shall contain sufficient details of the functional fire safety devices.
- (7) If the alteration of an existing building will affect the existing means of escape, the developer of the altered building or plan, shall be required to provide an additional means of escape as may be considered necessary.
- (8) The permit and the building plan shall bear the signature and stamp of the fire officer (*Hon. Osita Isunazo*)—Agreed to.

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

Committee Recommendation:

Clause 2: Requirement of Fire Safety Devices in a Building.

- (1) A building shall be equipped with functional fire safety devices as set out both by the Federal Fire Authority (in this Bill referred to as the Fire Authority) and the Standard Organization of Nigeria (in this Bill Referred to as "the Organization"), for the effective control of any fire outbreak.
- (2) For the purposes of sections 1 and 2 of this Bill—
 - (a) a building means—
 - (i) a new building, or
 - (ii) an existing building to be altered, and
 - (b) the fire safety devices include—
 - (i) fire alarm or heat detector,
 - (ii) fire extinguisher,
 - (iii) emergency exit,
 - (iv) sign posts,

- (v) water backup,
- (vi) sprinkler,
- (vii) hose reel, and
- (viii) landing valve.

- (3) The fire safety device referred to in subsection (2)(b)(iii) of this section shall be easily accessible,
- (4) A two storey building and below may not need a sprinkler as stipulated in subsection (2) (b) (vi) of this section.
- (5) The fire safety devices referred to in subsection (2)(b)(vii) and (viii) are required only in a two storey building and above.
- (6) An occupier of a building shall install a gas cylinder to be used in the building outside the building and in the open space (*Hon. Osita Isunazo*)—*Agreed to*.

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

Committee Recommendation:

Clause 3: Adequacy of Fire Safety Device.

- (1) The fire safety devices incorporated in any building plan or provided for any building shall be adequate.
- (2) In order to meet the objectives as set out in subsection (1), the developer of a building shall take into account—
 - (a) the features of the building;
 - (b) the use of the building; and
 - (c) any other relevant factor (*Hon. Osita Isunazo*)~*Agreed to*.

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

Committee Recommendation:

Clause 5: Application for a Certificate.

- (1) The application for a certificate as set out in the First Schedule to this Bill, shall be made to the fire authority, in the prescribed form and upon payment of a prescribed fee.
- (2) The application shall be accompanied by two copies of the duly stamped building plan and any other document or information required of the applicant.
- (3) The fire officer shall properly examine, within two weeks of the receipt of the application and the building plan—
 - (a) the two documents submitted by the applicant; and
 - (b) the building, before issuing a certificate to the applicant if he is of the opinion that the building is fire safe and has complied with the provisions of the Second Schedule to this Bill.
- (4) The certificate in subsection (3), where it is issued in respect of a commercial building shall be subject to a review and renewal every year (*Hon. Osita Isunazo*)—*Agreed to*.

Question that the provisions in Clause 5 stand pan of the Bill, put and agreed to.

Committee Recommendation:

New Clause 6: Time to Apply for a Certificate

- (1) The application for a certificate shall be made when the structural development of the building is complete but before occupation.

- (2) A person applying for a certificate shall state specifically the purpose of the building as set out in the Third Schedule to this Bill (*Hon. Osita Isunazo*)—*Agreed to.*

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

Committee Recommendation:

Clause 7: Persons Who May Apply.

An application for a permit or certificate under this Bill shall be made by the developer of the building or any person authorized by him in writing (*Hon. Osita Isunazo*)—*Agreed to.*

Question that the provisions in Clause 7 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 8: Fees.

All fees payable for a permit or certificate under this Bill shall be paid to the fire authority (*Hon. Osita Isunazo*)—*Agreed to.*

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

Committee Recommendation:

Clause 9: Enforcement.

- (1) After the issuance of a permit or certificate, the fire officer may authorize in writing any of his fire inspectors to enter and inspect any building and any permit or certificate issued in respect of the building, for the purpose of ascertaining whether the provisions of this Bill or the terms of a permit or certificate issued under it have been complied with.
- (2) The monitoring unit of the development authority while conducting routine inspection of buildings within its area shall, in addition to its powers, have the power to request for sighting and examination, from the developer or any architect, engineer or contractor retained by him, a permit or certificate issued by the fire authority.
- (3) Where a developer fails to produce for sighting and examination the permit or certificate as requested, the development authority in the area shall serve him with a written notice directing that the work shall stop.
- (4) Before entering into any building—
 - (a) an authorized inspector shall produce a written letter of authority duly signed by the fire officer in the locality where the building is situate; or
 - (b) the inspector or an officer of the monitoring unit under subsection (2) of this section shall identify himself as a staff of the development authority.
- (5) A person shall not willfully interfere or obstruct an authorized officer in the performance of his lawful duty imposed on him under this section.
- (6) A person in complying with the provisions of this Bill shall not produce a document which he knows to be false in a material particular (*Hon. Osita Isunazo*)—*Agreed to.*

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

Committee Recommendation:

Clause 10: The Register.

The fire officer shall keep a register of all permits and certificates issued to applicants under this Bill (*Hon. Osita Isunazo*)—*Agreed to.*

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

Committee Recommendation:

Clause 60: Regulations

The Minister shall, immediately after the commencement of this Bill, issue guidelines as to—

- (a) the fees payable for a certificate; and

- (b) any other matter pertaining to the issuance of certificates under this Bill (*Hon. Osita Isunazo*)—*Agreed to.*

Question that the provisions in Clause 60 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 11: Duty of the Occupier of an Existing Building to Acquire Fire Extinguisher

- (1) The occupier of a building or any part thereof existing before this Bill, shall acquire a functional fire extinguisher for the effective control of any fire outbreak.
- (2) The fire extinguisher provided for the particular building or part of it, after taking into consideration—
 - (a) the use of the building; and
 - (b) any other relevant circumstance, shall be adequate.
- (3) A person does not commit an offence under this section if he can prove that he is impoverished and cannot afford a fire extinguisher (*Hon. Osita Isunazo*)—*Agreed to.*

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

Committee Recommendation:

Clause 12: Removal of Hazardous Substance or Material

- (1) A developer of a building shall remove from any part of his building any hazardous substance or material.
- (2) Where the presence of the hazardous substance or material is occasioned by a person other than the developer, such other person shall be responsible for the removal of the hazardous substance or material.
- (3) The provisions of section 15 of this Bill shall apply to a developer or the person in subsection (2) of this section, where the developer or the person is either responsible for the removal of the hazardous substance or material (*Hon. Osita Isunazo*)—*Agreed to.*

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

PART II—GENERAL FIRE PRECAUTIONS IN COMMERCIAL BUILDINGS, ETC.

Committee Recommendation:

Clause 13: Duty of Responsible Person to Take General Fire Precautions

- (1) A person responsible for keeping a commercial building fire safe (in this Bill referred to as the "responsible person") shall, subject to the approval of the fire authority, take such general fire precautions as is reasonably practicable so as to ensure the safety of relevant persons.
- (2) For the purposes of this Bill, a reference to—
 - (a) a person responsible for keeping a commercial building fire safe, shall include the person responsible for the general fire safety of a part of the building, where the building is occupied by two or more responsible persons, and the matters required for the fire safety of the part of the building are within the responsibility of that person; and
 - (b) "relevant persons" shall mean—
 - (i) the employees working within the building,
 - (ii) persons who are not employees but are lawfully within the building,
 - (iii) any person in the immediate vicinity of the building who is at risk from a fire outbreak in the building, and
 - (iv) the responsible person (*Hon. Osita Isunazo*)—*Agreed to.*

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

Committee Recommendation:

Clause 14: Fire Risk Assessment.

- (1) The responsible person shall make a suitable and sufficient assessment of the risks or hazards to which relevant persons are exposed for the purpose of identifying the general fire precautions he needs to take to comply with the requirements and prohibitions imposed on him by or under this Bill.
- (2) Where a dangerous substance is or is likely to be present in or on the building, the risk assessment shall include a consideration of the matters set out in Part I of the Fourth Schedule to this Bill.
- (3) An assessment by the responsible person shall be—
 - (a) made at the time of establishing his undertaking, but before opening up same to the public;
 - (b) reviewed by him regularly so as to keep it up to date and particularly if—
 - (i) there is reason to suspect that it is no longer valid, or
 - (ii) there has been a significant change in the matters to which it relates.
- (4) As soon as practicable after the assessment is made or reviewed, the responsible person shall, where—
 - (a) he employs five or more employees;
 - (b) a licence or permit under any enactment is in force in relation to the building; or
 - (c) an alteration notice requiring this is in force in relation to the building, record—
 - (i) the significant findings of the assessment, including the measures which have been or will be taken by him; and
 - (ii) any group of persons identified by the assessment as being potentially at risk.
- (5) Where changes to an assessment are required as a result of any review, the responsible person shall effect them,
- (6) A review of a risk assessment shall be subject to the approval of the fire authority.
- (7) No new work or activity involving a dangerous substance may commence unless—
 - (a) a fire risk assessment has been made; and
 - (b) the measures required by or under this Bill have been implemented (*Hon. Osita Isunazo*)~Agreed to.

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

Committee Recommendation:

Clause 15: Responsible Person to Invite Fire Authority for a Risk Assessment and Advice.

- (1) A responsible person shall invite the fire authority for the purpose of a fire risk assessment and advice, which shall be communicated to the him orally and in writing.
- (2) Where the responsible person is of the opinion that a material or substance which constitutes a fire hazard ought to reasonably be in the building, he shall invite the fire authority for a fire hazard reduction assessment and advice.
- (3) For the purposes of this section—

- (a) the fire officer shall authorize in writing any of the inspectors under his command to enter the building; and
- (b) the inspector shall present to the responsible person the duly signed letter of authorization.

(4) The responsible person shall comply with the advice given by the inspector and shall not fail to invite the fire authority for a fire risk assessment and advice or a hazard reduction assessment and advice (*Hon. Osita Isunazo*)—*Agreed to.*

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

Committee Recommendation:

Clause 16: Principles of Prevention to be Applied
Where the responsible person implements any preventive and protective measure he shall do so on the basis of the principles specified in Part n of the Fourth Schedule to this Bill (*Hon. Osita Isunazo*)—*Agreed to.*

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

Committee Recommendation:

Clause 17: Fire Safety Arrangements
The responsible person shall—

{a) make and give effect to such arrangements as are appropriate, having regard to the size of his undertaking, the nature of his activities, the risks to which relevant persons are exposed and the distribution of those risks throughout the building, for me effective-

- (i) planning, organization, control, monitoring and review of the preventive and protective measures;
- (ii) training of any of his employees in general fire precautions, fire fighting and the use of any fire fighting equipment; and
- (iii) rescue of persons, first aid and medical care.

(b) record the arrangements referred to in paragraph (a) of this section where—

- (i) he employs five or more persons;
- (ii) a licence under an enactment is in force in relation to the building; or
- (iii) an alteration notice requiring a record to be made of those arrangements is in force in relation to the building (*Hon. Osita Isunazo*)—*Agreed to.*

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

Committee Recommendation:

Clause 18: Competent Persons to Assist a Responsible Person

- (1) Pursuant to section 17, the responsible person shall appoint one or more competent persons to assist him in undertaking the preventive and protective measures.
- (2) Where the responsible person appoints persons in accordance with subsection (1), he shall make arrangements for ensuring adequate co-operation between them.
- (3) The responsible person shall ensure that the number of persons appointed under subsection (1), the time available for them to carry out their functions and the means at their disposal are adequate.
- (4) The responsible person shall ensure that a person appointed by him under this section—
 - (a) who is not in his employment—
 - (i) is informed of the factors known by him to affect or suspected by him of affecting, the safety of any other person who may be affected by the conduct of his undertaking, and

- (ii) has access to the information referred to in section 24(3); and
- (b) is given such information about any person working in his undertaking who is—
 - (i) employed by him under a fixed-term contract of employment, or
 - (ii) employed in an employment business, as is necessary to enable that person properly carry out the function specified.
- (5) For the purposes of this section where there is a competent person in the responsible person's employment, that person shall be appointed in preference to a competent person not in his employment.
- (6) Subsection (1) does not apply to—
 - (a) a self-employed employer who is not in partnership with any other person, where he has sufficient training and experience or knowledge and other qualities properly to enable him undertake the preventive and protective measures.
 - (b) individuals who are employers and who are together carrying on business in partnership, where at least one of the individuals concerned has sufficient training and experience or knowledge and other qualities to properly—
 - (i) undertake the preventive and protective measures; and
 - (ii) assist his fellow partners in undertaking those measures (*Hon. Osita Isunazo*)—*Agreed to*.

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

Committee Recommendation:

Clause 19: Elimination or Reduction of Risks from Dangerous Substances.

- (1) Where a dangerous substance is present in or on the building, the responsible person must ensure that the risk related to the presence of the substance is either eliminated or reduced so far as is reasonably practicable,
- (2) In carrying out his duty under subsection (1), the responsible person shall, so far as is reasonably practicable, replace a dangerous substance, or the use of a dangerous substance with a substance or process which either eliminates or reduces the risk.
- (3) Where it is not reasonably practicable to eliminate the risk completely, the responsible person shall, so far as is reasonably practicable, apply measures consistent with the risk assessment and appropriate to the nature of the activity or operation including the measures specified in Part III of the Fourth Schedule to this Bill to—
 - (a) control the risk; and
 - (b) mitigate the detrimental effects of a fire outbreak.
- (4) The responsible person shall—
 - (a) arrange for the safe handling, storage and transport of dangerous substances and waste containing dangerous substances; and
 - (b) ensure that any condition necessary for ensuring the elimination or reduction of risk is maintained (*Hon. Osita Isunazo*)~*Agreed to*.

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

Committee Recommendation:

Clause 20: Fire-Fighting Equipment

Pursuant to section 3 of this Bill, the responsible person taking into account-

- (a) the features and the use of the building;

- (b) the hazard present; and
- (c) any other relevant circumstance, shall ensure that—
 - (i) the building is equipped with functional fire safety and fire fighting equipment, and
 - (ii) any non-automatic fire fighting equipment so provided is easily accessible and simple to use *{Hon. Osita Isunazo)—Agreed to.*

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

Committee Recommendation:

Clause 21: Emergency Routes and Exits.

- (1) The responsible person shall ensure that routes to emergency exits and the exits themselves are kept clear at all times.
- (2) The responsible person shall, after taking into consideration the features of the building, the use of the building, the safety and the maximum number of persons present there at any given time, or any other circumstance, comply with the following requirements—
 - (a) emergency routes and exits shall lead as directly as possible to a place of safety;
 - (b) in the event of danger, it must be possible for persons to evacuate the building as quickly and as safely as possible;
 - (c) the number, distribution and dimensions of emergency routes and exits shall be adequate;
 - (d) emergency doors shall open in the direction of escape;
 - (e) sliding or revolving doors shall not be used for exits specifically intended as emergency exits;
 - (f) emergency doors and exits must not be so locked or fastened that they cannot be easily and immediately opened by any person who may require to use them in an emergency; and
 - (g) emergency routes and exits requiring illumination shall be provided with emergency lighting of adequate intensity in the event of a failure of their normal lighting and shall be indicated by signs *(Hon. Osita Isunazo)—Agreed to.*

Question that the provisions in Clause 2\ stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 22: Procedures for Serious and Imminent Danger.

- (1) The responsible person shall—
 - {a) establish and give effect to appropriate procedures to be followed in the event of serious and imminent danger to persons including safety drills as specified in Part IV of the fourth Schedule to this Bill;
 - (b) nominate a sufficient number of competent persons to implement those procedures in so far as they relate to the evacuation of persons from the building; and
 - (c) ensure that no person has access to any area to which it is necessary to restrict access on grounds of safety unless the person concerned has received an adequate safety instruction.
- (2) Without prejudice to the generality of subsection (1){a), the procedures referred to in that subsection shall—

- (a) so far as is practicable, require the responsible person to inform the persons who are exposed to serious and imminent danger of the nature of the danger and of the steps taken or to be taken to protect them from it;
- (b) enable the persons concerned, in the event of their being exposed to serious, imminent and unavoidable danger, to stop work and immediately proceed to a place of safety; and
- (c) require the persons to be prevented from resuming work in any situation where there is still a serious and imminent danger, except in certain cases for reasons duly substantiated, which cases and reasons shall be specified in those procedures (*Hon. Osita Isunazo*)—*Agreed to*.

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

Committee Recommendation:

Clause 23: Additional Emergency Measures in Respect of Dangerous Substances.

- (1) In his effort to safeguard the safety of relevant persons in the event of an accident, incident or emergency related to the presence of a dangerous substance in or on the building, the responsible person shall ensure that—
 - (a) information on emergency arrangements is available, including—
 - (i) details of relevant work hazards and hazard identification arrangements, and
 - (ii) specific hazards likely to arise at the time of an accident, incident or emergency;
 - (b) suitable warning and other communication systems are established to invoke an appropriate response including remedial actions and rescue operations to be made immediately when such an event occurs;
 - (c) before any explosive conditions are reached, visual or audible warnings are given and relevant persons are withdrawn; and
 - (d) where the risk assessment indicates it is necessary, escape facilities are provided and maintained to ensure that, in the event of danger, relevant persons can leave endangered places promptly and safely.
- (2) The responsible person shall ensure that the information on the matters referred to in subsection (1)(a) and (d) of this section is—
 - (a) made available to relevant accident and emergency services to enable those services, whether internal or external to the building, prepare their own response procedures and precautionary measures; and
 - (b) displayed at the building unless the results of the risk assessment make it no longer necessary,
- (3) In the event of a fire arising from an accident, incident or emergency related to the presence of a dangerous substance in or on the building, the responsible person shall ensure that—
 - (a) immediate steps are taken to—
 - (i) mitigate the effects of the fire, and
 - (ii) restore the situation to normal; and
 - (b) only persons essential for the mitigation of the fire outbreak and for the carrying out of repairs and other necessary work are permitted in the affected area and are provided with—
 - (i) appropriate personal protective equipment and protective clothing; and

- (ii) any necessary specialized safety equipment and plant which shall be used until the situation is restored to normal.
- (4) Subsections (1) to (3) of this section do not apply where—
 - (a) the results of the risk assessment show that the risk to relevant persons, as a result of the presence and quantity of each dangerous substance in or on the building, is minimal; and
 - (b) the measures taken by the responsible person to discharge his duty under section 18 are sufficient to control that risk (*Hon. Osita Isunazo*)—*Agreed to.*

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

Committee Recommendation:

Clause 24: Provision of Information to Employees

- (1) The responsible person shall provide his employees with comprehensible and relevant information on
 - to) the risks to them identified by the risk assessment;
 - (b) the preventive and protective measures;
 - (c) the procedures and the measures referred to in section 22(1)(a);
 - (d) the identities of persons in arrangements with him in accordance with subsection 17(a) or nominated in accordance with subsection 22(1)(b); and
 - (e) the risks notified to him in accordance with section 28(l)(c).
- (2) Before employing a young person, the responsible person, shall—
 - (a) subject to Part V of the Fourth Schedule to this Bill, conduct a risk assessment of his undertaking; and
 - (b) provide a parent of the young person with comprehensible and relevant information on—
 - (i) the risks to that young person identified by the risk assessment,
 - (ii) the preventive and protective measures, and
 - (iii) the risks notified to him in accordance with section 28(l)(c).
- (3) Where a dangerous substance is present in or on the building, the responsible person, in addition to the information provided under subsection (1) of this section, shall provide his employees with—
 - (a) the details of any such substance including—
 - (i) the name of the substance and the risk which it presents,
 - (ii) access to any relevant safety data sheet, and
 - (iii) legislative provisions on the hazardous properties of any such substance; and
 - (b) the significant findings of the risk assessment.
- (4) The information required by subsection (3) of this section shall be adapted to take account of significant changes in the activity carried out or methods of work used by the responsible person (*Hon. Osita Isunazo*)—*Agreed to.*

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

Committee Recommendation;

Clause 25: Provision of Information to Employers from Outside Undertakings.

The responsible person shall ensure that—

- (a) the employer of any employees from an outside undertaking, whose employees are working in or on his building is provided with comprehensible, relevant and sufficient information—
 - (i) on the risks to those employees, and
 - (ii) on the preventive and protective measures taken by the responsible person, and
 - (iii) to enable that employer identify a person nominated by the responsible person to implement evacuation procedures as far as the employee is concerned; and
- (I) any person working in his undertaking who is not his employee is provided with appropriate instructions and comprehensible, relevant and sufficient information—
 - (i) regarding any risk to that person, and
 - (ii) to enable that person identify any person nominated by the responsible person to implement evacuation procedures as far as they are concerned
(Hon. Osita Isunazo)—Agreed to.

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

Committee Recommendation:

Clause 26: Training of Employees.

- (1) The responsible person shall provide his employees with adequate safety training—
 - (a) at the time when they are first employed; and
 - (b) on their being exposed to new or increased risks because of—
 - (i) their being transferred or given a change of responsibilities within the responsible person's undertaking,
 - (ii) the introduction of a new work equipment into, or a change of work equipment already in use within the responsible person's undertaking,
 - (iii) the introduction of new technology into the responsible person¹ s undertaking, or
 - (iv) the introduction of a new system of work into, or a change in respect of a system of work already in use within the responsible person's undertaking.
- (2) The training shall—
 - (a) include suitable and sufficient instruction and training on the appropriate precautions and actions to be taken by the employee in order to safeguard himself and other relevant persons in or on the building;
 - (b) be repeated periodically where appropriate;
 - (c) be adapted to take account of any new or changed risks to the safety of the employees concerned;
 - (d) be provided in a manner appropriate to the risk identified by the risk assessment; and
 - (e) take place during working hours (Hon. Osita Isunazo)—Agreed to.

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

- (b) take all reasonable steps to co-ordinate the measures he takes to comply with the requirements or prohibitions imposed on him by or under this Bill, taking into account the nature of his activities with the measures the other responsible person or persons are taking to ensure compliance with the provisions of this Bill; and
- (c) take all reasonable steps to inform the other responsible persons of the risks to relevant persons arising out of or in connection with the conduct of the person who has the overall responsibility for the building must co-ordinate the implementation of all the measures required by this Bill to be taken to protect relevant persons from any risk from the explosive atmosphere (*Hon. Osita Isunazo*)—*Agreed to.*

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

Committee Recommendation;

Clause 29: General Duties of Employees at Work.
Every employee, while at work, shall—

- (a) take reasonable care for the safety of himself and of other relevant persons who may be affected by his acts or omissions;
- (b) as regards any duty or requirement imposed on his employer by or under any provision of this Bill, co-operate with him so far as is necessary to enable that duty or requirement be performed or complied with; and
- (c) inform his employer or any other employee with specific responsibility for the safety of his fellow employees of any work situation or matter which a person with the first-mentioned employee's training and instruction would reasonably consider to represent—
 - (i) a serious and immediate or imminent danger to safety, and
 - (ii) a shortcoming in the employer's protection arrangements for safety, in so far as that situation or matter either affects the safety of that first-mentioned employee or arises out of, or in connection with, his own activities at work and has not previously been reported to his employer or to any other employee of that employer in accordance with this subparagraph (*Hon. Osita Isunazo*)—*Agreed to.*

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

Committee Recommendation:

Clause 30: Enforcement.

- (1) An enforcing authority shall enforce the provisions of this Part and any regulations made under it in relation to buildings for which it is the enforcing authority and for that purpose, except where a fire inspector or other person authorized by the Minister is the enforcing authority, may appoint inspectors.
- (2) In performing the duty imposed on it under subsection (1), the enforcing authority shall have regard to such directives as the Minister may, on the advice of the Comptroller-General of the federal fire service, give to it.
- (3) A fire authority has power to arrange with the Health and Safety Executives in the Ministries of Labour and of Industry for such of the authority's functions under this Bill as may be specified in the arrangements to be performed on its behalf by the Health and Safety Executive with or without payment, and in relation to any particular workplace {Hon. Osita Isunazo)—Agreed to.

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

Committee Recommendation:

Clause 31: Enforcing Authorities

For the purposes of this Part, "enforcing authority" means-

- (a) the fire authority;
- (b) the Health and Safety Executives in the ministries of labour and of industry;
- (c) a fire inspector, or any person authorized by the Minister to act for the purposes of this Part, in relation to buildings owned or occupied by the Federal Government (Hon. Osita Isunazo)—Agreed to.

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

Committee Recommendation:

Clause 32: Powers of Inspectors.

- (1) An inspector may do anything necessary for the purpose of carrying out this Part and any other regulations made under it into effect and in particular, shall have the power, at any reasonable time, to—
 - (a) enter any building which he has reason to believe that it is necessary for him to enter, and to inspect the building and anything in it, where such entry and inspection may be effected without the use of force;
 - (b) make such inquiry as may be necessary—
 - (i) to ascertain, as regards the building, whether the provisions of this Bill or of any regulation made under it have been complied with; and
 - (ii) to identify the responsible person in relation to the building;
 - (c) require the production of, or where the information is recorded in a computerized form, the furnishing of extracts from records—
 - (i) which are required to be kept by virtue of this Part or by any regulation made under it, or
 - (ii) which it is necessary for him to see for the purposes of examination or inspection, and to inspect and take copies of, or of any entry in, the records;
 - (d) to require any person having responsibilities in relation to any building, to give him such facilities and assistance with respect to any matter or thing to which the responsibilities of that person extend as are necessary for the purpose of enabling the inspector to exercise any of the powers conferred on him by this Bill;

- (e) to take samples of any article or substance found in any building which he has power to enter, for the purpose of ascertaining their fire resistance or flammability; and
 - (f) in the case of any article or substance found in any part of a building which he has power to enter, being an article or substance which appears to him to have caused or to be likely to cause danger to the safety of relevant persons, to cause it to be dismantled or subjected to any process or test, but not as to damage or destroy it unless this is, in the circumstances, necessary.
- (2) An inspector shall, when visiting any building, produce to the occupier of the building a duly stamped evidence of his authority.
 - (3) Where an inspector proposes to exercise the power conferred on him by subsection (1) *if* he shall, if requested by a person who at the time is present in and has responsibilities in relation to the building, cause anything which is to be done by virtue of that power to be done in the presence of that person.
 - (4) Before exercising the power conferred on him by subsection (1) *if* an inspector shall consult such persons as appear to him appropriate for the purpose of ascertaining what dangers, if any, there may be in doing anything which he proposes to do in the exercise of that power (*Hon. Osita Isunazo*)—*Agreed to*.

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

Committee Recommendation:

Clause 33: Enforcement Notices.

- (1) If the enforcing authority is of the opinion that the responsible person, being under an obligation to do so, has failed to comply with any provision of this Bill or of any regulations made under it, the authority may, serve on that person a notice (in this Bill referred to as the "Enforcement Notice").
- (2) The enforcement notice shall—
 - (a) state that the enforcing authority is of the opinion that the provisions of this Bill have not been complied with;
 - (b) state the reason for the opinion;
 - (c) state the provisions which have not been complied with; and
 - (d) require the person to take steps to remedy the failure within such period from the date of service of the notice, not being less than 28 days, as may be specified in the notice.
- (3) The enforcement notice may, include directions as to the measures which the enforcing authority considers are necessary to remedy the failure referred to in subsection (1), and any such measures may be framed so as to afford the person on whom the notice is served a choice between different ways of remedying the non-compliance.
- (4) Before serving the enforcement notice which would oblige a person to make an alteration to a building, the enforcing authority shall consult—
 - (a) in cases where the development authority in the locality of the building is not the enforcing authority, the development authority;
 - (b) in the case of a building or structure in relation to all or any part of which a notice has been given by the development authority, the inspector who gave that notice;
 - (c) any other person whose consent to the alteration would be required by or under any enactment.
- (5) Without prejudice to the power of the court to cancel or modify an enforcement notice under section 43(2), no failure on the part of an enforcing authority to consult shall make an enforcement notice void.

- (6) Where an enforcement notice has been served—
 - (a) the enforcing authority may withdraw the notice at any time before the end of the period specified in the notice; and
 - (b) if an appeal against the notice is not pending, the enforcing authority may extend or further extend the period specified in the notice (*Hon. Osita Isunazo*)—*Agreed to*.

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

Committee Recommendation:

Clause 34: Alteration Notices

- (1) Where, considering the features of the building, the use of the building, any hazard present, or any other circumstance, a building-
 - (a) constitutes a serious risk to relevant persons,
 - (b) may constitute such a risk if any change is made to it or the use to which it is put, the enforcing authority may serve on the responsible person a notice (in this Bill referred to as the "Alteration Notice").
- (2) Where the alteration notice has been served in respect of a building, the responsible person shall, before making any of the changes specified in subsection (3) which may result in a significant increase in risk—
 - (a) notify the enforcing authority of the proposed changes; and
 - (b) submit to it—
 - (i) a copy of the risk assessment, and
 - (ii) a summary of the changes he proposes to make to the existing general fire precautions.
- (3) The changes referred to in subsection (2) are-
 - (a) a change to the building;
 - (b) a change to the services, fittings or equipment in or on the building;
 - (c) a decrease in the quantities of dangerous substances which are present in or on the building; and
 - (d) a change to the use of the building.
- (4) The alteration notice may include a requirement that in addition to the notification required by subsection (2) the responsible person shall record—
 - (a) the information required in section 14(4); and
 - (b) the arrangements required by section 17.
- (5) The alteration notice served under subsection (1)—
 - (a) may be withdrawn at any time; and
 - (b) is deemed to be in force until such time as it is withdrawn or cancelled by the court under section 43(2).
- (6) Nothing in this section shall prevent an enforcing authority from serving an enforcement notice or a prohibition notice in respect of a building (*Hon. Osita Isunazo*)—*Agreed to*.

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

Committee Recommendation:

Clause 35: Prohibition Notices

- (1) If the enforcing authority is of the opinion that the use of a building involves or will involve a risk to relevant persons so serious that the use of the building ought to be prohibited or restricted, the enforcing authority may serve on the responsible person a notice (in this Bill referred to as the "Prohibition Notice").

- (2) For the purposes of subsection (1), the matters relevant to the assessment of the risk to persons by the enforcing authority, shall include anything affecting their escape from the building in that event.
- (3) A prohibition notice shall—
 - (a) state that the enforcing authority is of the opinion referred to in subsection (1);
 - (b) specify the matters which in their opinion gives or may give rise to that risk; and
 - (c) state the extent to which the use of the building is prohibited or restricted.
- (4) A prohibition notice may include directions as to the measures to be taken to remedy the matters specified in the notice; such measures may be framed so as to afford the person on whom the notice is served a choice between different ways of remedying the matters.
- (5) A prohibition notice—
 - (a) takes effect immediately it is served if the enforcing authority is of the opinion, and so states in the notice, that the risk of serious personal injury is imminent;
 - (b) in any other case, takes effect at the end of the period specified in the prohibition notice; and
 - (c) shall remain in force until the matters addressed in it have been remedied to the satisfaction of the Comptroller-General of the Federal Fire Authority.
- (6) Before serving a prohibition notice in relation to a building in multiple use, the enforcing authority shall, where practicable, notify the development authority in the locality where the building is situated of their intention and the use which they intend to prohibit or restrict.
- (7) Without prejudice to the power of the court to cancel or modify a prohibition notice under Section 43(2), no failure on the part of an enforcing authority to notify under subsection (6) makes a prohibition notice void.
- (8) Where a prohibition notice has been served under subsection (1), the enforcing authority may withdraw it at any time (*Hon. Osita Isunazo*)—*Agreed to*.

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

PART III—THE FIRE SAFETY COVER PLAN, ETC.

Committee Recommendation:

Clause 36: Fire Safety Cover Plan.

- (1) The Comptroller-General and fire officer of the federal and state fire authorities, shall make a fire safety cover plan for their respective territories.
- (2) The fire safety cover plan shall contain policies relating to—
 - (a) fire hazard reports on activities and properties which constitute a fire hazard;
 - (b) an inventory, evaluation and classification of the fire risks presented by the hazard reports;
 - (c) the inventory and analysis of the existing relationship between—
 - (i) the existing or intended fire protection measures,
 - (ii) the human and financial resources allocated for the purposes of fire safety in the territory, and

Committee Recommendation:

Clause 37: Public Enlightenment.

The Federal and state fire authorities and stakeholders in matters pertaining to fire prevention and control shall through the media or any other effective means, enlighten the public of the provisions of this Bill on fire precaution, fire hazards and measures to prevent and control any fire outbreak (*Hon. Osita Isunazo*)—*Agreed to.*

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

PART IV — OFFENCES, PENALTIES AND APPEALS

Committee Recommendation:

Clause 38: Offences.

(1) It is an offence for—

- (a) a developer to fail to meet any requirement or comply with any prohibition imposed on him under—
 - (i) Part I of this Bill,
 - (ii) Part II of this Bill where he is the responsible person and the failure places one or more relevant persons at risk of death or serious injury in the event of a fire;
- (b) an architect, builder, engineer or surveyor employed by the developer to fail to meet any requirement or comply with any prohibition imposed on the developer under this Bill;
32(2), to fail to meet the requirements stipulated in those sections;
- (d) a person to
 - (i) wilfully interfere or obstruct an enforcement officer in the performance of his lawful duty, or
 - (ii) fail to comply with the prohibition in section 9(6),
- (e) an occupier of a building or any part thereof to fail to meet the requirements stipulated in section 11; and
- (f) the person responsible under section 12 to fail to meet the requirements stipulated in sections 12 and 15 (2).

(2) It is an offence for the responsible person to—

- (a) fail to meet any requirement or comply with any prohibition imposed under sections 13-28 and 48 where that failure places one or more relevant persons at risk of death or serious injury in the event of a fire outbreak;
- (b) fail to meet any requirement stipulated by section 34 (2) or (3);
- (c) fail to meet any requirement stipulated by an enforcement notice under section 33;
- (d) fail to comply with any prohibition or restriction imposed by a prohibition notice under section 35;
- (e) fail to meet any requirement or comply with any prohibition imposed by regulations under section 60 where that failure places one or more relevant persons at risk of death or serious injury in the event of a fire outbreak;
- (f) fail, without reasonable excuse, in relation to apparatus to which section 48 applies—
 - (i) to ensure that such apparatus which is installed in any building complies with section 48(1) and (10), and
 - (ii) to give a notice required by section 48 (2) or (4), (3)

It is an offence for any employee to—

- (a) fail to meet the requirements set out in section 29, where that failure places one or more relevant persons at risk of death or serious injury in the event of a fire outbreak;
- (b) make in any register, book, notice or other document required to be kept, served or given by or under this Bill, an entry which he knows to be false in a material particular;
- (c) give any information which he knows to be false in a material particular or recklessly give any information which is false, in purported compliance with any obligation to give information to which he is subject to under or by virtue of this Bill, or in response to any inquiry made by virtue of section 32(10);
- (d) obstruct, intentionally, an inspector in the exercise or performance of his powers or duties under this Bill;
- (e) fail, without reasonable excuse, to comply with any requirements stipulated by an inspector under section 32 (1) (c) or (d);
- (f) pretend, with intent to deceive, to be an inspector; or
- (g) fail to comply with the prohibition imposed by section 53, where he is employed by the employer to undertake general fire precautions in the building (*Hon. Osita Isunazo*)—*Agreed to*.

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

Committee Recommendation:

Clause 39: Penalty

- (1) A developer who commits an offence contrary to section 38(1)(a)(i) is liable on conviction to—
 - (a) a fine not exceeding N50,000,
 - (b) imprisonment for a term not exceeding 6 months, or

- (c) compensate any person who has lost any property or injured himself or the family of anyone who has lost his life in a fire where, he is a developer of a commercial building and the occurrence of a fire in the building or the inability to control the fire until it becomes an inferno, is as a result of the failure of the developer to fulfil his obligations under this Bill.
- (2) Where the offence has continued, one year from the date of discharge of the penalty, the penalty specified in subsection (1)(a) of this section, shall be imposed for every year the offence continues until the breach is terminated.
- (3) A developer who commits an offence under section 38(1)(a)(ii) is liable on conviction to—
 - (a) a fine not exceeding N50,000;
 - (b) imprisonment for a term not exceeding 6 months; or
 - (c) both.
- (4) Any person who commits an offence under section 38(1)(b) is liable on conviction to
 - (a) a fine not exceeding N50,000;
 - (b) imprisonment for a term not exceeding 3 months; or
 - (c) both.
- (5) An enforcement or inspecting officer, if on a complaint by any person to the enforcing or fire authority is guilty of a breach of section 38(1)(c), is liable to be cautioned or disciplined.
- (6) A person who commits an offence under—
 - (a) section 38(1)(d)(i) is liable on conviction to a fine not exceeding N50,000; or
 - (b) section 38(1)(d)(ii) is liable on conviction to—
 - (i) a fine not exceeding N40,000,
 - (ii) imprisonment for a term not exceeding 3 months, or
 - (iii) both.
- (7) A person who commits an offence under section 38(1)(e) is liable on conviction to a fine not exceeding—
 - (a) N20,000 where the building is for a residential purpose; or
 - (b) N50,000 where the building is for a commercial purpose.
- (8) A person who commits an offence under section 38(1)(f) is liable on conviction to a fine not exceeding N50,000.
- (9) A responsible person who commits an offence under section 38(2)(a) is liable on conviction to—
 - (a) a fine not exceeding N50,000;
 - (b) imprisonment for a term not exceeding 6 months; or
 - (c) compensate any person who has lost any property or injured himself or the family of anyone who has lost his life in a fire where the occurrence of the fire or the inability to control the fire until it becomes an inferno, is as a result of the failure of the responsible to fulfil his obligations under Part II of this Bill.

- (10) A responsible person who commits an offence under section 38(2)(b)-(e) is liable on conviction to a fine not exceeding N50,000;
- (11) A responsible person-
- (a) who commits an offence under section 38(2)(f) is liable on conviction to a fine not exceeding N25,000;
 - (b) is not liable under section 38(2)(f) (ii), if he proves that some other person duly gave the notice in question.
- (12) An employee who commits an offence under—
- (a) section 38 (3) (a) is liable on conviction to a fine not exceeding N25,000;
 - (b) section 38 (3) (b), (c), (d) or (g) is liable on conviction to a fine not exceeding N20,000; or
 - (c) section 38 (3) (e) or (f) is liable on conviction to a fine not exceeding N50,000.
- (13) Where a requirement or prohibition under this Bill is contravened by a body corporate and is proved to have been contravened 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 has committed an offence and is liable on conviction to a fine not exceeding—
- (a) N200,000; and
 - (b) N50,000 for every day that the non-compliance has continued.
- (14) Where the affairs of a body corporate are managed by its members, subsection (13) applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.
- (15) Nothing in this Bill operates so as to afford an employer a defence in any criminal proceedings for a contravention of a provision in Part II of this Bill by reason of any act or default of—
- (a) his employee; or
 - (b) a person nominated under section 22(1)(b),
- (16) Notwithstanding anything to the contrary in any existing law, a responsible person under Part II of this Bill is precluded from benefiting from 50% of any fire insurance policy made in his favour, where the fire which is the subject of the insurance claim and which has resulted in the injury to, or death of, persons, occurred as a result of his non-compliance with any provision of this Bill.
- (17) Where the provisions of this Bill or the conditions stipulated in certificate issued under this Bill have been contravened by—
- (a) the developer; or
 - (b) any architect, engineer or surveyor employed by him to carry out building works in relation to any building for which a certificate has been obtained, the person commits an offence, and is liable on conviction to—
 - (i) a fine not exceeding N10,000,
 - (ii) imprisonment for a term not exceeding 6 months, or
 - (iii) both
- (18) Where the offence has continued, one year from the date of discharge of the penalty, the sentence specified in section 4(1), shall be imposed for every year the offence continues until the breach is terminated (*Hon. Osita Isunazo*)—*Agreed to.*

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

Committee Recommendation:

Clause 40: Complaint by Persons

- (1) In the event of a non-compliance with the provisions of this Bill by—
 - (a) a developer or an architect, engineer or surveyor appointed by him;
 - (b) a responsible person;
 - (c) **an** enforcement officer; or
 - (d) an inspector, a person whose safety is at risk as a result of the non-compliance, may bring a complaint to the enforcing authority for the building or the fire authority.
- (2) The enforcing or fire authority shall conduct an investigation into the complaint and prosecute the offender where any provision of this Bill is contravened.
- (3) The complainant in subsection (1) of this section shall not be prejudicially affected by any complaint made by him (*Hon. Osita Isunazo*)—*Agreed to.*

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

Committee Recommendation:

Clause 41; Jurisdiction.

- (1) The magistrate court in any area shall have jurisdiction over issues arising from this Bill.
- (2) The Magistrates' Courts Act 1958 shall apply to proceedings under this Bill (*Hon. Osita Isunazo*)—*Agreed to.*

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

Committee Recommendation:

Clause 42: Defence.

In any proceeding for an offence under this Bill, it is a defence for—

- (a) A developer or any architect, engineer or surveyor employed by him to carry out building works on any building is not guilty of an offence under this Bill if he proves that at the time the building work was carried out, he did not know and could not reasonably have known that the work was carried out in contravention of any provision of this Bill or the terms of a certificate issued under this Bill.
- (b) a responsible person, subject to section 39(15) and except for a failure to comply with sections 17(a) or 24, to prove that—
 - (i) he took all reasonable precautions; and
 - (ii) he exercised all due diligence to avoid the commission of such an offence (*Hon. Osita Isunazo*)—*Agreed to.*

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

Committee Recommendation:

Clause 43: Onus of Proving Limits of What is Reasonably Practicable.

In any proceeding for an offence under this Bill, consisting of a failure to comply with a duty or requirement so far as is reasonably practicable, it is for the accused to prove that it was not reasonably practicable to do more than was in fact done to satisfy the duty or requirement (*Hon. Osita Isunazo*)—*Agreed to.*

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

Committee Recommendation:

Clause 44: Appeals.

- (1) A person on whom an enforcement notice, alterations notice, a prohibition notice is served may, within 21 days from the day on which the notice is served, appeal to the court.

- (2) On an appeal under this section, the court may either cancel or affirm the notice, and if it affirms it, may do so either in its original form or with such modifications as the court may in the circumstance, think fit.
- (3) Where an appeal is brought against an alterations notice or an enforcement notice, the bringing of the appeal has the effect of suspending the operation of the notice until the appeal is finally disposed of or, if the appeal is withdrawn, until the withdrawal of the appeal.
- (4) Where an appeal is brought against a prohibition notice, the bringing of the appeal does not have the effect of suspending the operation of the notice, unless on the application of the appellant, the court so directs.
- (5) The procedure for an appeal under subsection (1) is by way of a complaint for an order and, the making of a complaint is deemed to be the bringing of the appeal,
- (6) A person aggrieved by an order made by a magistrate's court on determining a complaint under this Bill may appeal to the High Court; and for the avoidance of doubt, an enforcing authority may be a person aggrieved for the purposes of this subsection (*Hon. Osita Isunazo*)~Agreed to.

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

PART V — MISCELLANEOUS

Committee Recommendation:

Clause 45: Fire Authority Situate in the Premises of the Development Authority.

For the purposes of sections 1, 3, 5-8 and 10 of this Bill, the fire authority or officer shall refer to the fire authority situate in the premises of the office of the development authority in a particular locality (*Hon. Osita Isunazo*)—Agreed to.

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

Committee Recommendation:

Clause 46: Access to Building.

- (1) Where access to a building for any effective fire fighting is provided by means of a private roadway or open space, the design and location of such access way shall be subject to the approval of the development authority.
- (2) The development authority shall take into consideration the—
 - (a) connection of the building and any access way to estate and public roads;
 - (b) overhead clearance of access roads;
 - (c) vehicle parking spaces; and
 - (d) location of fire service connections and fire hydrants (*Hon. Osita Isunazo*)~Agreed to.

Question that the provisions in Clause 46 stand part of the BUI, put and agreed to.

Committee Recommendation:

Clause 47: Multiple use in Building, etc.

If the development of a building or the alteration of a building plan the subject of a permit or of an existing building by a developer, is for a multiple purpose, the use which poses a greater hazard to a greater number of persons shall determine if the building plan and any development made of it is fire safe and deserves a permit or certificate (*Hon. Osita Isunazo*)~Agreed to.

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

Committee Recommendation:

Clause 48: Fire Fighters' Switches for Luminous Tube Signs, etc.

- (1) The installation of a cut-off switch for a luminous tube sign shall be so placed, coloured or marked as to satisfy such reasonable requirements as the fire authority may impose in order to ensure that it is readily recognizable by, and accessible to, fire-fighters.

- (2) Not less than 42 days before the installation of the luminous tube sign, the responsible person shall give notice to the fire authority showing where the cut-off switch is to be placed and how it is to be coloured or marked.
- (3) Where notice has been given to the fire authority as required by subsection (2), the proposed position, colouring or marking of the switch is deemed to satisfy the requirements of the fire authority unless, if within 21 days from the date of the service of the notice, the fire authority has not served on the responsible person a counter-notice stating that their requirements are not satisfied.
- (4) Where the luminous tube sign is installed in or on building before the day on which this Bill comes into force, the responsible person must, not more than 21 days after that day, give notice to the fire authority stating whether the apparatus is already provided with a cut-off switch and, if so, where the switch is placed and how it is coloured or marked.
- (5) Subject to subsection (6), where the luminous tube sign is installed in or on the building before the day on which this Bill comes into force, the fire authority may serve on the responsible person a notice, in the case of a luminous tube sign—
 - (a) already provided with a cut-off switch, stating that they are not satisfied with the position, colouring or marking of the switch and requiring the responsible person, within such period as may be specified in the notice, to take such steps as will secure that the switch will be so placed or coloured or marked as to be readily recognizable by, and accessible to, fire fighters in accordance with the reasonable requirements of the fire authority; or
 - (b) not already provided with a cut-off switch, requiring him, within such period as may be specified in the notice, to provide such a cut-off switch in such a position and so coloured or marked as to be readily recognizable by, and accessible to, fire fighters in accordance with the reasonable requirements of the fire authority.
- (6) If a cut-off switch complies in position, colour and marking with the specifications by the fire authority, no notice shall be served in respect of it under subsection (5).
- (7) This section shall apply to apparatus consisting of luminous tube signs designed to work at a voltage normally exceeding the prescribed voltage, or other equipment so designed.
- (8) Reference in this section to a cut-off switch is, in a case where a transformer is provided to raise the voltage to operate the apparatus, reference to a cut-off switch on the low-voltage side of the transformer.
- (9) In subsection (7) the "prescribed voltage" means—
 - (a) 1000 volts AC or 1500 volts DC if measured between any two conductors; or
 - (b) 600 volts AC or 900 volts DC if measured between a conductor and earth.
- (10) No apparatus to which this section applies is to be installed unless it is provided with a cut-off switch (*Hon. Osita Isunazo*)—*Agreed to.*

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

Committee Recommendation:

Clause 49: Maintenance of Measures Provided for the Protection of Fire Fighters
The responsible person, in order to safeguard the safety of fire fighters or volunteer fire fighters in the event of a fire outbreak, shall ensure that the building and the facilities, equipment and devices provided in respect of it, for the use by or protection of fire fighters under this Bill or any regulation made under it, are subject to a suitable system of maintenance and are maintained in an efficient state, working order and in good repair (*Hon. Osita Isunazo*)—*Agreed to.*

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

Committee Recommendation:

Clause 50: Fire Protective Clothing for Fire Fighters

A fire fighter or a volunteer fire fighter, while fighting any fire, shall be covered from head to toe in fire resistant clothing (*Hon. Osita Isunazo*)—*Agreed to.*

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

Committee Recommendation:

Clause 51: Duty of Insurer to Disclose Findings, etc.

- (1) The insurer of a person whose building is the subject of a fire outbreak, having conducted an investigation into the cause of the fire shall report his findings to the fire authority.
- (2) Where the disclosure is liable to affect legal proceedings in which the insurer or claims adjuster has an interest, the findings of the investigation in issue is not to be disclosed until the judgment has acquired the status of *res judicata* (*Hon. Osita Isunazo*)—*Agreed to.*

Question that the provisions in Clause 51 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 52: Civil Liability for Breach of Statutory Duty.

- (1) Nothing in this Bill is to be construed as conferring a right of action in any civil proceeding other than in civil proceedings for the recovery of a fine.
- (2) A breach of a duty imposed on an employer by or under this Bill, so far as it causes damage to an employee, confers a right of action on that employee in civil proceedings (*Hon. Osita Isunazo*)—*Agreed to.*

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

Committee Recommendation:

Clause 53: Duty not to Charge Employee for Things Done or Provided.

An employer shall not levy or permit to be levied on any of his employees a charge in respect of anything done or provided in pursuance of any requirement of this Bill or of regulations made under it (*Hon. Osita Isunazo*)—*Agreed to.*

Question that the provision In Clause 53 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 54: Special Provisions in Respect of Licensing of Premises.

- (1) Where any enactment provides for the licensing of buildings in relation to which this Bill applies, or the licensing of persons in respect of any such building—
 - (a) the licensing authority shall consult the enforcing authority for the premises before issuing the licence; and
 - (b) the enforcing authority shall notify the licensing authority of any action that the enforcing authority takes in relation to premises to which the licence relates, but no failure on the part of an enforcing authority to notify under this section shall affect the validity of any such action taken.
- (2) Subsection (1) does not apply where the licensing authority is also the enforcing authority (*Hon. Osita Isunazo*)—*Agreed to.*

Question that the provisions in Clause 54 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 55: Suspension of Terms and Conditions of Licences Dealing with same Matters as this Bill

- (1) At any time when this Bill applies in relation to a building, any term, condition or restriction imposed by the licensing authority has no effect in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under this Bill.
- (2) Subsection (1)-
 - (a) applies if—

- (i) an enactment provides for the licensing of buildings in relation to which this Bill applies, or the licensing of persons in respect of any such buildings,
 - (ii) a licence is issued in respect of the building, whether before or after the coming into force of this Bill, and
 - (iii) the licensing authority is required or authorized to impose terms, conditions or restrictions in connection with the issue of the licence.
- (b) does not apply where the licensing authority is also the enforcing authority (*Hon. Osita Isunazo*)—*Agreed to*.

Question that the provisions in Clause 55 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 56: Suspension of Bye-laws Dealing with same Matters as this Bill

Where any enactment provides for the making of bye laws in relation to buildings or part of a building to which this Bill applies, then, so long as this Bill continues to apply to the building, a bye law has no effect in so far as it relates to any matter to which requirements or prohibitions are or could be imposed by or under this Bill (*Hon. Osita Isunazo*)—*Agreed to*.

Question that the provision in Clause 56 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 57: Duty to Consult Enforcing Authority Before Passing Plans.

- (1) Where a developer proposes to develop a building, or to make any extension or structural alteration to a building and, the plans are, in accordance with building regulations, deposited with the development authority, the authority shall, subject to subsection (3), consult the enforcing authority before passing the plan.
- (2) Where it is proposed to change the use to which a building or part of a building is put and, in connection with that proposal, plans are, in accordance with building regulations, deposited with the development authority, the authority must, subject to subsection (3), consult with the enforcing authority before passing the plans.
- (3) The duty to consult imposed by paragraphs (1) and (2)—
 - (a) only applies in relation to buildings to which this Bill applies, or would apply following the erection, extension, structural alteration or change of use;
 - (b) does not apply where the local authority is also the enforcing authority (*Hon. Osita Isunazo*)—*Agreed to*.

Question that the provisions in Clause 57 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 58: Other Consultation by Authorities.

- (1) Where a government department or other public authority intends to take any action in respect of a building which will or may result in changes to any of the measures required by or under this Bill, that department or authority shall consult the enforcing authority for the building before taking that action.
- (2) Without prejudice to any power of the court to cancel or modify a notice served by a government department or other authority, no failure on the part of the department or authority to consult under subsection (1) or section 43 invalidates the action taken (*Hon. Osita Isunazo*)—*Agreed to*.

Question that the provisions in Clause 58 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 59: Service of Notices, etc.

- (1) Any notice required or authorized by virtue of this Bill to be served on any person may be served on him either by delivering it to him, or by leaving it at his proper address, or by sending it by post to him at that address.

- (2) Any such notice may, in the case of—
- (a) a body corporate, be served on or given to the secretary or clerk of that body; and
 - (b) a partnership, be served on or given to a partner or a person having control or management of the partnership business.
- (3) For the purposes of this section, the proper address of any person is his last known address, except that in the case of—
- (a) a body corporate or their secretary or clerk, it is the address of the registered or principal office of that body;
 - (b) a partnership or person having control of the management of the partnership business, it is the principal office of the partnership.
- (4) If the person to be served with or given any such notice has specified an address other than his proper address as the one at which he or someone on his behalf will accept notices and other documents, that address is also to be treated for the purposes of this section as his proper address.
- (5) Without prejudice to any other provision of this section, any such notice required or authorized to be served on the responsible person in respect of any building, whether a body corporate or otherwise, may be served by sending it by post to him at the addresses, or by addressing it by name to the person on whom it is to be served and delivering it to some responsible individual who is or appears to be resident or employed in the premises of the building.
- (6) If the name or the address of the responsible person on whom any such notice is to be served cannot after reasonable inquiry be ascertained by the person seeking to serve it, the document may be served by addressing it to the person on whom it is to be served by the description of "responsible person" for the building to which the notice relates, and by delivering it to some responsible individual resident or appearing to be resident on the premises of the building or, if there is no such person to whom it can be delivered, by affixing it or a copy of it to some conspicuous part of the building.
- (7) Any notice required or authorized to be served on the responsible person or enforcing authority may be transmitted to that person or authority by—
- (a) means of an electronic communications network; or
 - (b) other means but in a form that requires the use of an apparatus by the recipient to render it intelligible.
- (8) Where the recipient of the transmission is the responsible person, the transmission has effect as a delivery of the notice to that person only if he has indicated to the enforcing authority on whose behalf the transmission is made, his willingness to receive a notice transmitted in the form and manner used,
- (9) An indication to an enforcing authority for the purposes of subsection (8) shall—
- (a) be given to the authority in any manner it requires;
 - (b) be a general indication that is limited to notices of a particular description;
 - (c) state the address to be used and must be accompanied by any other information which the authority requires for the making of the transmission; and
 - (d) be modified or withdrawn at any time by a notice given to the authority in any manner it requires.
- (10) Where the recipient of the transmission is the enforcing authority, the transmission has effect as a delivery of the notice only if the enforcing authority has indicated its willingness to receive a notice transmitted in the form and manner used.

- (11) An indication for the purposes of subsection (10)—
- (a) may be given in any manner the enforcing authority thinks fit;
 - (b) may be a general indication or one that is limited to notices of a particular description;
 - (c) shall state the address to be used and must be accompanied by any other information which the responsible person requires for the making of the transmission;
 - (d) may be modified or withdrawn at any time in any manner the enforcing authority thinks fit.
- (12) If the making or receipt of the transmission has been recorded in the computer system of the enforcing authority, it shall be presumed, unless the contrary is proved, that the transmission—
- (a) was made to the person recorded in that system as receiving it;
 - (b) was made at the time recorded in that system as the time of delivery;
 - (c) contained the information recorded on that system.
- (13) For the purposes of this section—
- (a) "notice" includes any document or information; and
 - (b) "transmission" means the transmission referred to in subsection (7) (*Hon. Osita Isunazo*)—*Agreed to.*

Question that the provisions in Clause 59 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 60: Regulations

- (1) The Minister may, by regulations—
- (a) make a National Fire Code for the fire authority; and
 - (b) issue guidelines—
 - (i) as to any other matter pertaining to the issuance of permits or certificates under this Bill,
 - (ii) as to the precautions which are to be taken or observed in relation to the risk to relevant persons as regards buildings to which this Bill applies,
 - (iii) as to fire prevention, emergency preparedness and emergency response procedures for the fire authority; and
 - (iv) in order to bring the provisions of this Bill into force.
- (2) Without prejudice to the generality of section (1), Regulations made by the Minister may impose requirements
- (a) as to the provision, maintenance and keeping free from obstruction of any means of escape in case of fire;
 - (b) as to the provision and maintenance of means for securing that any means of escape can be safely and effectively used at all material times;
 - (c) as to the provision and maintenance of means for fighting fire and for giving warning in case of fire;
 - (d) as to the internal construction of a building and the materials used in the construction;

- (e) for prohibiting the presence or use in a commercial building of furniture or equipment of any specified description, or prohibiting its presence or use unless specified standards or conditions are complied with;
 - (f) for securing that persons employed to work in a commercial building receive appropriate instructions or training in what to do in the event of a fire;
 - (g) for securing that, in special circumstances, specified numbers of attendants are stationed in specified parts of the building; and
 - (h) as to the keeping of records of instruction or training given, or other things done, in pursuance of the regulations.
- (3) The Minister shall, before making any regulation under this section, consult with such persons or bodies of persons as appear to him to be appropriate.
- (4) The power of the Minister to make regulations under this section-
- (a) is exercisable by statutory instrument, which is subject to annulment by a resolution of either House of the National Assembly;
 - (b) includes power to make different provisions in relation to different circumstances; and
 - (c) includes power to grant or provide for the granting of exemptions from any of the provisions of the regulations, either unconditionally or subject to conditions (*Hon. Osita Isunazo*)—*Agreed to*.

Question that the provisions in Clause 60 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 61: Interpretation

In this Bill—

"applicant" means a developer of any building, or any person whom he may authorize in writing; (*Hon. Osita Isunazo*).

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

"building" includes any structure, place and, in particular, includes—

- (a) any installation on land, including the foreshore and other land intermittently covered by water, and any other installation, whether floating, or resting on the seabed or the subsoil thereof, or resting on other land covered with water or the subsoil thereof; and
- (b) any tent or movable structure; and reference in this Bill to a building or an existing building shall include a reference to a part of the building or existing building; (*Hon. Osita Isunazo*).

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

"building plan" means a comprehensive design of a building to be developed or an existing building to be altered; and reference to "the plan" shall mean reference to the building plan; (*Hon. Osita Isunazo*).

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

"certificate" means a fire safety compliance certificate (*Hon. Osita Isunazo*).

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

"commercial building" means a building or place where commercial activities are carried out (*Hon. Osita Isunazo*).

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

"competent person" means a person who has sufficient training and experience or knowledge and other qualities to enable him properly implement or undertake the preventive and protective measures or evacuation procedures; (*Hon. Osita Isunazo*).

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

"dangerous substance" means—

- (a) a substance or preparation which is explosive, oxidizing, extremely flammable, highly flammable or flammable;
- (b) a substance or preparation which because of its physico-chemical or chemical properties and the way it is used or is present in or on building creates a risk; and
- (c) any dust, whether in the form of solid particles or fibrous materials or otherwise, which can form an explosive mixture with air or an explosive atmosphere; (*Hon. Osita Isunazo*).

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

"developer" includes the owner of an existing building to be altered; (*Hon. Osita Isunazo*).

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

"development authority" means the land development authority having the power to approve a building plan under any Act, Law or Bye law (*Hon. Osita Isunazo*).

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

"electronic communications network" means—

- (a) a transmission system for the conveyance by the use of electrical or electro-magnetic energy, of signals of any description; and
- (b) an apparatus for the switching and re-routing of data; (*Hon. Osita Isunazo*).

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

"existing building" means any building—

- (a) of which the roofing has been completed before the commencement of this Bill; or
- (b) which is the subject of a permit or certificate and the object of a structural alteration by the developer of the building; (*Hon. Osita Isunazo*).

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

"explosive atmosphere" means a mixture, under atmospheric conditions, of air and one or more dangerous substances in the form of gases, vapours, mists or dusts in which, after ignition has occurred, combustion spreads to the entire unburned mixture; (*Hon. Osita Isunazo*).

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

"fire authority" means the authority in the locality of a land to be developed or a building, performing the functions of a fire authority under the Fire Services Act 1990; (*Hon. Osita Isunazo*).

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

"fire officer" means the Comptroller General of the Federal Fire Authority or the Director of a state fire authority; (*Hon. Osita Isunazo*).

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

"general fire precautions" in relation to a commercial building includes measures-

- (a) to reduce the risk of fire and the risk of the spread of fire on the building;
- (b) in relation to the means of escape from the building;
- (c) for securing that at all material times, the means of escape can be safely and effectively used;
- (d) in relation to the means for fighting fires on the building;
- (e) in relation to the means for detecting fire on the building and for giving of a warning in the case of fire, on the instruction and training of employees; and
- (f) in relation to the arrangements for action to be taken in the event of fire outbreak on the building, including measures to mitigate the effects of the fire; and
- (g) in relation to the instruction and training of employees; (*Hon. Osita Isunazo*).

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

"hazard" in relation to a dangerous substance, means the physico-chemical or chemical property of that substance which has the potential to give rise to a fire, thereby affecting the safety of a person, and references in this Bill to "hazardous" are to be construed accordingly; (*Hon. Osita Isunazo*).

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

"inspector" means an inspector appointed under section 30 of this Bill or a fire inspector; (*Hon. Osita Isunazo*).

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

"minister" means the Minister charged with the responsibility for Housing & Urban Development (*Hon. Osita Isunazo*).

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

"new building" means any building of which at the commencement of this Bill-

the development authority is yet to approve its building plan; or

- (b) the actual erection above its footing or supporting concrete has not begun; (*Hon. Osita Isunazo*).

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

"owner" means any person—

- (a) in whose name the certificate of occupancy of a building is issued;

- (b) who, by a legal instrument, has a valid title on the building; or
- (c) who receives the rent due on the building, either for himself or as agent or trustee for the person in whose name a certificate of occupancy in respect of the building is issued; (*Hon. Osita Isunazo*).

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

"permit" means a fire safety compliance permit; (*Hon. Osita Isunazo*).

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

"personal protective equipment" means all equipment which is intended to be worn or held by a person in or on a building and which protects that person against one or more risks to his safety, and any addition or accessory designed to meet that objective; (*Hon. Osita Isunazo*).

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

"preparation" means a mixture or solution of two or more substances; (*Hon. Osita Isunazo*).

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

"preventive and protective measures" means the measures which have been identified by the responsible person in consequence of a risk assessment as the general fire precautions he needs to take to comply with the requirements and prohibitions imposed on him by or under this Bill; (*Hon. Osita Isunazo*).

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

"residential building" means a building occupied as a private dwelling including any garden, yard, garage, outhouse, or other appurtenance of such building which is not used in common by the occupants of more than one such dwelling; (*Hon. Osita Isunazo*).

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

"responsible person" means-

- (a) the employer in any commercial building or any person employed or appointed by him to keep the building fire safe, if the building is under his control;
- (b) the developer of a building occupied by two or more responsible persons where the matters for the safety of relevant persons is within his control; (*Hon. Osita Isunazo*).

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

"risk" means the risk to the safety of persons from fire; (*Hon. Osita Isunazo*).

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

"risk assessment" means the assessment required by section 14 of this Bill; (*Hon. Osita Isunazo*).

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

"safety" means the safety of persons prior to or in the event of any fire outbreak, and "safe" shall be interpreted accordingly; (*Hon. Osita Isunazo*).

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

"safety data sheet" means a document which specifies the chemical composition of any dangerous or hazardous material and of other chemicals and compounds that can not be safely stored with it; (*Hon. Osita Isunazo*).

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

"special, technical and organizational measures" include the—

- (a) technical means of supervision;
- (b) connecting devices;
- (c) control and protection systems;
- (d) engineering controls and solutions;
- (e) equipment;
- (f) materials; and
- (g) warning and other communication systems; (*Hon. Osita Isunazo*).

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

"substance" means any natural or artificial substance whether in solid or liquid form or in the form of a gas or vapour; (*Hon. Osita Isunazo*).

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

"workplace" means any building or part of it, not being a residential building, used for the purposes of an employer's undertaking and which is made available to an employee of the employer as a place of work and includes—

- (a) any place within the building to which such employee has access while at work; and
- (b) any room, lobby, corridor, staircase, road, or other place—
 - (i) used as a means of access to or egress from that place of work; or
 - (ii) where facilities are provided for use in connection with that place of work, other than a public road; (*Hon. Osita Isunazo*).

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

"young person" means any person who has not attained the age of 18 (*Hon. Osita Isunazo*).

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

Question that the provisions in the Clause 61 stand part of the Bill, put and agreed to.

Clause 62: Citation
This Act may be cited as the Fire (Precaution and Control) Bill, 2005 (*Hon. Osita Isunazo*)—*Agreed to.*

Question that the provisions in Clause 62 stand part of the Bill, put and agreed to.

FIRST SCHEDULE

Section 5 (1)

FSC NO

APPLICATION FOR A FIRE SAFETY PERMIT/CERTIFICATE

To:
(Approving Authority)

Dear Sir,

I hereby apply for a Fire Permit/Certificate in respect of the buildings of which details are stated below. I make this application as/on behalf of the Developer of the building.

Yours faithfully,

Signature

Name
(Block Letters)

- 1. Name and Address of the Developer of the Building: Name
Address
- 2. Postal Address of the Building (Where Applicable)
- 3. Purpose of the Building
- 4. If the development consists only of part of a building, the purpose to which the other part is put

- 5. Number of Floors.....
- 6. Maximum number of persons to occupy building
- 7. Fire safety devices in building *plan*-
 - (i) fire alarm or heat detector.....
 - (ii) fire extinguisher
 - (iii) emergency exit (number)
 - (iv) water backup
 - (v) sprinkler
 - (vi) hose reels
 - (viii) landing valve
 - (viii) any other, if required

8. If signing on behalf of a company or some other person, state the capacity in which signing . . .

Address

Telephone.....

Date..... (Hon. Osita Isunazo)—Agreed to.

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

SECOND SCHEDULE

Section 5(3)

.....State of Nigeria FSC No.

FIRE SAFETY CERTIFICATE

This is to certify **that**

This Safety Certificate is hereby granted to.....

of.....
being used as

I hereby confirm that the fire prevention arrangements including the provision of appliances, equipment and means of escape in the said building are satisfactory from the fire safety point of view.

This Certificate expires on the of

(Inspection Officer) (Approving Authority)
(Hon. Osita Isunazo)—Agreed to.

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

THIRD SCHEDULE

Section 6(2)

- Commercial Buildings
- (1) Public building
 - (2) Auditorium
 - (3) Church/Mosque
 - (4) Shrine
 - (5) Studio
 - (6) Hospital
 - (7) Dance club/Night club
 - (8) Gallery
 - (9) Spaces
- _____

(10)	Gymnasium
(11)	Stadium
(12)	Hotel
(13)	Cinema
(14)	Museum
(15)	Market
(16)	Library
(17)	Passenger station
(18)	Fire station
(19)	Police station
(20)	Restaurant
(21)	Courtroom
(22)	Plaza
(23)	Shopping complex
(24)	Office complex
(25)	Bank complex
(26)	Beauty parlour
(27)	Mechanic workshop
(28)	Bakery
(29)	Brewery
(30)	Factory
(31)	Research laboratory
(32)	Laboratory
(33)	Mills
(34)	Foundry
(35)	Farms
(36)	Glass plant
(37)	Gas plant and associated pipelines
(38)	Telephone exchange
(39)	Freight depot or station
(40)	Ammunitions /explosives/ fireworks/armouries depot
(41)	Petrol station
(42)	Refinery
(43)	Homes-Welfare, Remand, Aged, Orphanage, Nursery and Asylums
(44)	Jail or Infirmary
(45)	Stadium (<i>Hon. Osita Isunazo</i>)— <i>Agreed to.</i>

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

FOURTH SCHEDULE

Section 14(2)

**PART 1-MATTERS TO BE CONSIDERED IN RISK ASSESSMENT
IN RESPECT OF DANGEROUS SUBSTANCES**

1. The hazardous properties of the substance.
2. Information on safety provided by the supplier, including information contained in any relevant safety data sheet.

3. The circumstances of the work including—
 - (a) the special, technical and organizational measures and the substances used and their possible interactions;
 - (b) the amount of the substance involved;
 - (c) where the work will involve more than one dangerous substance, the risk presented by such substances in combination; and
 - (d) the arrangements for the safe handling, storage and transport of dangerous substances and of waste containing dangerous substances.
4. Activities, such as maintenance, where there is the potential for a high level of risk.
5. The effect of measures which have been or will be taken pursuant to this Part.
6. The likelihood that an explosive atmosphere will occur and its persistence.
7. The likelihood that ignition sources, including electrostatic discharges, will be present and become active and effective.
8. The scale of the anticipated effects.
9. Any place which is, or can be connected via openings to places in which explosive atmospheres may occur.
10. Such additional safety information as the responsible person may need in order to complete the assessment.

Section 16

PART II—PRINCIPLES OF PREVENTION

1. Avoiding of risks.
2. Evaluating the risks that cannot be avoided.
3. Combating the risks at source.
4. Adapting to technical progress.
5. Replacing the dangerous by the non-dangerous or less dangerous.
6. Developing a coherent overall prevention policy that covers technology, organization of work and the influence of factors relating to the working environment.
7. Giving collective protective measures priority over individual protective measures.
8. Giving appropriate instructions to employees.

Section 19 (3)

PART III—MEASURES TO BE TAKEN IN RESPECT OF DANGEROUS SUBSTANCES

1. In applying measures to control risks the responsible person shall, in order of priority—
 - (a) reduce the quantity of dangerous substances to a minimum;
 - (b) avoid or minimize the release of a dangerous substance;
 - (c) control the release of a dangerous substance at source;
 - (d) prevent the formation of an explosive atmosphere, including the application of appropriate ventilation;

- (e) ensure that any release of a dangerous substance which may give rise to risk is suitably collected, safely contained, removed to a safe place, or otherwise rendered safe, as appropriate;
 - (f) avoid-
 - (i) ignition sources including electrostatic discharges, and
 - (ii) such other adverse conditions as could result in harmful physical effects from a dangerous substance; and
 - (g) segregate incompatible dangerous substances.
2. The responsible person shall ensure that mitigation measures applied in accordance with section 19(3)(b) include—
- (a) reducing to a minimum the number of persons exposed;
 - (b) measures to avoid the propagation of fires or explosions;
 - (c) providing explosion pressure relief arrangements;
 - (d) providing explosion suppression equipment;
 - (e) providing a plant which is constructed to withstand the pressure likely to be produced by an explosion; and
 - (f) providing suitable personal protective equipment.
3. The responsible person shall—
- (a) ensure that the building is designed, constructed and maintained so as to reduce risk;
 - (b) ensure that suitable special, technical and organizational measures are designed, constructed, assembled, installed, provided and used so as to reduce risk;
 - (c) ensure that special, technical and organizational measures are maintained in an efficient state, working order and in good repair;
 - (d) ensure that equipment and protective systems meet the following requirements—
 - (i) where power failure can give rise to the spread of additional risk, equipment and protective systems must be able to be maintained in a safe state of operation independently of the rest of the plant in the event of power failure,
 - (ii) means for manual override must be possible, operated by employees competent to do so, for shutting down equipment and protective systems incorporated within automatic processes which deviate from the intended operating conditions, provided that the provision or use of such means does not compromise safety,
 - (iii) on operation of emergency shutdown, accumulated energy must be dissipated as quickly and as safely as possible or isolated so that it no longer constitutes a hazard, and
 - (iv) necessary measures must be taken to prevent confusion between connecting devices;
 - (e) where the work is carried out in a hazardous place or it involves hazardous activities, ensure that appropriate systems of work are applied including—
 - (i) the issuing of written instructions for the carrying out of work, and
 - (ii) a system of permits to work, with such permits being issued by a person with responsibility for this function prior to the commencement of the work concerned.

PART IV—MATTERS TO BE TAKEN INTO ACCOUNT IN RESPECT OF SAFETY DRILLS

1. Fire exit drills conforming with the provisions of this Bill shall be conducted regularly in occupancies where specified by the provisions therein or by the appropriate action of the Fire Authority but with any necessary modifications in detail of procedures to make the drills most effective for their intended purpose in any individual building.
2. Fire exit drills, where required by the Fire Service, shall be held with sufficient frequency, at least twice a year to familiarize all occupants with the drill procedure and to have the conduct of the drill a matter of established routine.
3. Responsibility for planning and conduct of drills shall be assigned only to competent persons qualified to exercise leadership.
4. In the conduct of drills, emphasis shall be placed upon orderly evacuation under proper discipline rather than upon speed and no hose play shall be permitted.
5. Drills shall include suitable procedures to make sure that all persons in the building or all persons subject to the drills actually participated.
6. Drills shall be held at unexpected times and under varying conditions to stimulate the unusual conditions obtaining in case of fire.
7. All the occupants of buildings shall be schooled and drilled in the duties they are to perform in case of fire, panic, or other emergency in order to be of greatest service in effecting orderly exit from the buildings.
8. On evacuation, all such occupants shall assemble at predetermined locations where roll calls shall be taken.

**PART V—MATTERS TO BE TAKEN INTO PARTICULAR ACCOUNT IN
RISK ASSESSMENT IN RESPECT OF YOUNG PERSONS**

1. The inexperience, lack of awareness of risks and immaturity of young persons.
2. The fitting-out and layout of the premises.
3. The nature, degree and duration of exposure to physical and chemical agents.
4. The form, range, and use of work equipment and the way in which it is handled.
5. The organization of processes and activities.
6. The extent of the safety training provided or to be provided to young persons {Hon. Osita Isunazo)—Agreed to.

Question that the provisions in the Fourth 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, considered the Report of the Joint Committee on Housing and Urban Development on a Bill for an Act to Provide for the Protection of Persons and Properties from Fire Disaster; and for Other Related Matters, 2005 and approved Clauses 1 - 62 and the First, Second, Third and Fourth Schedules to the Bill.

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

(iii) *Joint Committee on Marine Transport:*

Motion made and Question proposed, "That this House do consider the Report of the House Committee on Marine Transport on a Bill for an Act to Establish a Council for Freight-Forwarders of Nigeria; Charged with the Responsibility, Among Others, of Determining the Standards of Knowledge and Skills to be Attained by Persons Seeking to be Registered Members of Freight-Forwarders of Nigeria, in Accordance with the Provisions of this Act; and for Related Purpose, 2004 and approve the Recommendations" (Hon. Emeka Ihedioha).

Question put and agreed to.

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

(HOUSE IN THE COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO ESTABLISH A COUNCIL FOR FREIGHT FORWARDERS OF NIGERIA,
CHARGED WITH THE RESPONSIBILITY, AMONG OTHERS, OF DETERMINING THE
STANDARDS OF KNOWLEDGE AND SKILLS TO BE ATTAINED BY PERSONS SEEKING TO BE
REGISTERED MEMBERS OF FREIGHT FORWARDERS OF NIGERIA, IN ACCORDANCE WITH THE
PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES, 2004

PART I—ESTABLISHMENT OF THE COUNCIL FOR THE REGULATION OF FREIGHT FORWARDING IN NIGERIA

Committee Recommendation:

- Clause 14: Establishment of the Council for the regulation of freight forwarding in Nigeria.
- (1) There is hereby established a body to be known as the Council for the Regulation of Freight Forwarding in Nigeria (in this Act referred to as "Council") which shall be a body corporate under that name and be charged with the general duty of—
- (a) determining the persons or classes of persons who constitute freight forwarders for the purposes of this Act;
 - (b) determining the standards of knowledge and skill to be attained by persons seeking to be registered as freight forwarders and raising those standards from time to time in accordance with international industry practice;
 - (c) regulating and controlling the practice of freight forwarding;
 - (d) regulating and controlling all the associations of freight forwarding agents;
 - (e) regulating and controlling persons who are engaged in freight forwarding;
 - (f) ensuring uniform standards of professional conduct and education relevant to freight forwarding practice;
 - (g) promoting the highest standard of competence, practice and conduct among members of the profession;
 - (h) securing, in accordance with the provisions of this Act the establishment and maintenance of registers of persons entitled to practice as registered freight forwarders and the publication from time to time of the list of such persons;
 - (i) encouraging participation of members in international exchange programme;
 - (j) performing any other functions conferred on the Council by this Act.
- (2) The Council shall have perpetual succession and a common seal which shall be kept in such custody as the Council may from time to time authorize.
- (3) The Council may sue and be sued in its corporate name and may hold, acquire and dispose of any property, movable or immovable (*Hon. Emeka Ihedioha*)~Agreed to.

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

Committee Recommendation:

Clause 2: Membership of the Council.

- (1) Subject to subsection (2) of this Section, the Council shall consist of the following individual members from the Register of Freight Forwarders—
 - (a) one person who shall be elected by the Council from members of Council as Chairman;
 - (b) one person who shall be elected by the Council from members of Council as Vice Chairman;
 - (c) eight persons nominated by Nigerian Shippers' Council from the Register of Freight Forwarders contemplated under Part III of this Act for the first four years after the commencement of this Act, and thereafter in the event of a Federation of Freight Forwarders being established, registered and recognized by the Government as the apex association of freight forwarders in Nigeria, eight persons appointed by such Federation in the manner for the time being provided by the constitution of such Federation;
 - (d) six persons appointed by the Minister to represent the six geo-political zones of the Federation in rotation for two years at a time, no two of whom shall be indigenes of the same State;
 - (e) two persons appointed by the Minister to represent institutions of higher learning offering courses in international trade and transport and any related courses in rotation;
 - (f) three persons to be nominated by the Minister of whom at least two shall be from the Federal Ministry of Transport and from the National Clearing and Forwarding Agency;
 - (g) a representative each of the following establishments—
 - (i) Federal Ministry of Justice;
 - (ii) Federal Ministry of Education;
 - (iii) Nigerian Customs Service;
 - (iv) Nigerian Shippers' Council;
 - (v) Nigerian Ports Authority;
 - (vi) Nigerian Civil Aviation Authority;
 - (vii) Nigerian Railway Corporation;
 - (viii) Nigerian Association of Chambers of Commerce, Industry, Mining and Agriculture.
- (2) Nominees under subsections (e) to (g) may not be from the Register of Freight Forwarders.
- (3) There shall be a chairman and vice chairman of the Council who shall be nominated and elected by members of the Council and shall each hold office for a term of two years from the date of election, and the chairman shall preside at meetings of the Council, so however that in the event of the death, incapacity or inability for any reason of the chairman, the vice chairman shall act as chairman for the un-expired portion of the term of office.
- (4) If the chairman or the vice chairman ceases to be a member of the Council, he shall cease to hold any offices designated under this section.

- (5) The provisions of the First Schedule to this Act shall have effect with respect to the qualifications and tenure of office of members of the Council, powers and procedure of the Council and other matters therein mentioned.
- (6) Regulations may provide for increasing or reducing the membership of the council {Hon. Emeka Ihedioha)—Agreed to.

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

Committee Recommendation:

Clause 3: Control of Council by the Minister.

- (1) The Minister may give to the Council directions of a general character or relating generally to particular matters (but not to any individual person or case) with regard to the exercise by the Council of its functions and it shall be the duty of the Council to comply with the directions.
- (2) Prior to giving a direction under subsection (1) of this section, the Minister shall serve a copy of the proposed direction on the Council and shall afford the Council the opportunity of making representations to him with respect to the directions; and the Minister may after giving due consideration to any representations made to him thereof, issue the direction either without modifications or with such modifications as appear to him to be appropriate having regard to the representations (Hon. Emeka Ihedioha)—Agreed to.

Question that the provisions in Clause 3 stand pan of the Bill, put and agreed to.

PART II—FINANCIAL PROVISIONS

Committee Recommendation:

Clause 4: Financial provisions,

- (1) The Council shall establish and maintain a fund for the purpose of this Act, the management and control of which shall be in the hands of the Council.
- (2) There shall be paid into the fund of the Council—
 - (a) a practicing fee payable by every freight forwarder in the amount determined by the Council;
 - (b) all fees and other moneys payable to the Council under this Act; and
 - (c) such other moneys as may be payable to the Council, in the course of the discharge of its functions.
- (3) There shall be paid out of the fund of the Council established pursuant to subsection (1) of this section—
 - (a) the remuneration and allowances of the Registrar and other employees of the Council;
 - (b) such reasonable traveling and subsistence allowance of members of the Council in respect of the time spent on the business of the Council as the Council may approve;
 - (c) any other expenses approved and incurred by the Council in the discharge of its functions under this Act.
- (4) The Council may invest moneys in the fund in any security created or issued by or on behalf of the Government of the Federation or in any other securities in Nigeria approved by the Council.
- (5) The Council may, from time to time, borrow money for the purposes of the Council and any interest payable on moneys so borrowed shall be paid out of the fund.

- (6) The Council shall keep proper accounts in respect of each financial year and proper records in relation to those accounts and the Council shall cause the accounts to be audited by a firm chartered accountant approved by the Council and when audited, the accounts shall be submitted to the members of the Council for approval by them at a meeting of the Council.
- (7) The Council shall prepare and submit to the Minister not later than the 31st day of December of the year in which this Act comes into force and of each subsequent year an estimate of its expenditure and income during the next succeeding financial year {Hon. Emeka Ihedioha)—Agreed to.

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

PART III—THE REGISTER

Committee Recommendation:

Clause 5: Preparation and maintenance of the register.

- (1) The Council shall, appoint a fit and proper person to be the Registrar for the purpose of this Act, and such other persons as the Council may, from time to time think necessary to assist the Registrar in the performance of his functions under this Act.
- (2) It shall be the duty of the Registrar to prepare and maintain, in accordance with rules made by the Council, a register of the names, addresses, approved qualifications, register and of such other qualifications and particulars as may be specified in the rules, of all persons who are entitled in accordance with the provisions of this Act, to be registered as registered freight forwarders and who apply in the specified manner to be so registered.
- (3) The register of freight forwarders (hereinafter in this Act referred to as "the registers" shall consist of four registers, one of each for—
 - (a) registered Freight Forwarder and Customs Licenced Agent;
 - (b) registered Customs Licenced Agents;
 - (c) registered Freight Forwarder; and
 - (d) registered Affiliates
- (4) Subject to the foregoing provision of this section, the council shall make rules with respect to the form and keeping of the register and the making of entries therein, and in particular—
 - (a) regulating the making of application for enrollment or registration, as the case may be, and providing for the evidence to be produce in support of such applications;
 - (b) providing for the notification to the Registrar, by the person to whom any registered particulars relates, of any change in those particulars;
 - (c) authorizing a registered person to have any qualification which is in relation to the relevant division of the profession, either an approved qualification or an accepted qualification for the purposes of this Act, registered in relation to his name in addition to or, as he may elect, in substitution for any other qualification so registered;
 - (d) specifying the fees, including any annual subscription, to be paid to the Council in respect of the entry of names on the register, and authorizing the Registrar to refuse to enter a name on the register until any fee specified for the entry has been paid;
 - (c) specifying anything falling to be specified under the foregoing provisions of this section,

but rules made for the purposes of paragraph (d) of this subsection shall not come into force until they are confirmed by order of the Minister.

- (5) It shall be the duty of the Registrar—
- (a) to correct in accordance with the Council's directions, any entry in the register which the Council directs him to correct as being in the Council's opinion an entry which was incorrectly made;
 - (b) to make, from time to time, any necessary alteration to the registered particulars of registered persons;
 - (c) to remove from the register, the name of any registered person who has died; and
 - (d) to record the names of members of the Council who are in default for more than six months in the payments of annual subscriptions, and to take such action in relation thereto (including removal of the names of defaulters from the register) as the Council may direct or require.
- (6) If the Registrar-
- (a) sends by post to any registered 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 letter within the period of six 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 second similar letter and receives no reply to that letter within three months from the date of posting it,
- the Registrar may remove the particulars relating to the person in question from the register; and that the council may direct the Registrar to restore to the appropriate part of the register any particulars removed therefrom under this subsection (*Hon. Emeka Ihedioha*)—*Agreed to*.

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

Committee Recommendation:

Clause 6: Publication of register and list of corrections.

- (1) It shall be the duty of the Registrar—
- (a) to cause the register to be printed, published and put on sale to members of the public not later than two years from the commencement of this Act; and
 - (b) thereafter in each year to cause to be printed, published and put on sale as aforesaid, either a corrected edition of the register or a list of corrections made to the register, since it was last printed; and
 - (c) to cause a print of each edition of the register and of each list or corrections to be deposited at the principal office of the Council; and
 - (d) to keep the register and lists so deposited to be made available to members of the public at all reasonable times for inspection.
- (7) A document purporting to be a print of an edition of a register published under this section by authority of the Registrar, or documents purporting to be prints of an edition of a register so published and of the list of corrections to that edition so published, shall (without prejudice to any other mode of proof) be admissible in any proceedings as evidence that any person specified in the document, or the documents read together, as being registered was so registered at the date of the edition or of the list of corrections, as the case may be and that any person not so specified was not so registered or enrolled.
8. Where in accordance with subsection (2) of this section, a person is, in any proceeding shown to have been or not to have been registered at a particular date, he shall, unless the contrary is proved, be taken for the purposes of those proceedings as having at all material times thereafter continued to be, or not to be so registered or enrolled (*Hon. Emeka Ihedioha*)—*Agreed to*.

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

PART IV—REGISTRATION

Committee Recommendation;

Clause 7: Registration as freight forwarders.

- (1) Subjects to section 16 of this Act, and to rules made under section 5 (4) of this Act, a person shall be entitled to be registered under this Act if—
 - (a) he has attended a course of training approved by the Council under section 8 of this Act;
 - (b) the course was conducted at an institution approved by the Council, or partly at one such institution and partly at another or others;
 - (c) he holds a qualification approved by the Council;
 - (d) he holds a certificate of experience issued pursuant to section (on certificate of experience);
 - (f) he has completed a minimum of five years practical working experience in an approved freight forwarding establishment and submits an acceptable certificate of experience;
- (2) Subject as aforesaid, a person shall also be entitled to be registered under this Act if—
 - (a) he passes the qualifying examination conducted by an institution approved by the Council and completes the practical training prescribed; or
 - (b) holds a qualification granted outside Nigeria and for the time being accepted by the Council and is by law entitled to practice for all purposes as a freight forwarder in the country in which the qualification was granted and, if the Council so requires, he satisfies the Council that he has had sufficient experience as a freight forwarder;
 - (c) he holds an approved degree in transport or maritime studies from a recognized higher institution and has passed the professional examinations approved by the Council.
- (3) An applicant for registration shall in addition to evidence of qualification, satisfy the Council that—
 - (a) he is of good character
 - (b) he has attained the age of twenty one years; and
 - (c) he has not been convicted in Nigeria or elsewhere of an offence involving fraud or dishonesty.
- (4) The council may, in its sole discretion, provisionally, accept a qualification produced in respect of an application for registration under this section or direct that the application be renewed within such period as may be specified in the direction.
- (5) Any entry directed to be made in the register, under subsection (4) of this section, shall show that the registration is provisional and no entry so made shall be converted to full registration without the consent of the Council signified in writing in that behalf.
- (6) The Council shall, from time to time, publish in the Gazette particulars of qualifications for the time being accepted for registration under this Act (*Hon. Emeka Ihedioha*)—*Agreed to.*

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

Committee Recommendation:

Clause 8: Titles to be used by registered persons.

- (1) A registered freight forwarder shall use the abbreviation "RFF" after his name
- (2) Subject to the provisions of this Act, a person shall not practice or carry on business under any name, style or title containing the words "freight forwarder" unless he is registered under this Act (*Hon. Emeka Ihedioha*)—*Agreed to.*

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

Committee Recommendation:

Clause 9: Approval of courses, qualifications and institutions.

- (1) Subject to subsection 2 of this section, the Council may approve any institution for the purposes of this Act and may for those purposes approve—
 - (a) any course of training at any approved institution which is intended for persons seeking to become or are already freight forwarders and which the Council considers is designed to confer on persons completing it sufficient knowledge and skill for practice of that profession;
 - (b) any qualification which, as a result of an examination taken in conjunction with a course of training approved by the Council under this section is granted to candidates reaching a standard at the examination indicating in the opinion of the Council that the candidates have sufficient knowledge and skill to practice as freight forwarders;
 - (c) any institution either in Nigeria or else where, which the Council considers is properly organized and equipped for conducting the whole or any part of a course of training approved by the Council under this section
- (2) The Council shall from time to time publish in the Federal Gazette a list of qualifications in the profession of freight forwarding approved by it, and subject thereto the Council shall not approve for the purposes of subsection (1) of this section, a qualification granted by an institution in Nigeria unless the qualification has been so published by the Council.
- (3) The Council may, if it thinks fit, withdraw any approval given under this section in respect of any course, qualification or institution; but before withdrawing such an approval the Council shall—
 - (a) give notice that it proposes to do so to each person in Nigeria appearing to the Council to be a person by whom the course is conducted or the qualification is granted or the institution is controlled, as the case may be;
 - (b) afford each such person an opportunity of making to the Council representations with regard to the proposal; and
 - (c) take into consideration any representation made in respect of the proposal in pursuance of paragraph (b) of this subsection
- (4) A course, qualification or institution shall not be treated as approved during any period, which the approval of the Council is withdrawn under subsection (2) of this section.
- (5) Notwithstanding the provisions of subsection (3) of this section, the withdrawal of an approval under subsection (2) of this section, shall not prejudice the registration or eligibility for registration of any person who by virtue of the approval was registered or was eligible for registration (either unconditionally or subject to his obtaining a certificate of experience) immediately before the approval was withdrawn.
- (6) The giving or withdrawal of an approval under this section, shall have effect from such date, either before or after the execution of the instruments signifying the giving or withdrawal of the approval, as the Council may specify in the instrument and the Council shall—

- (a) as soon as possible publish a copy of every such instrument in the Gazette; and
- (b) not later than seven days before its publication as aforesaid, send a copy of the instrument to the Minister (*Hon. Emeka Ihedioha*)—*Agreed to.*

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

Committee Recommendation:

Clause 10: Supervision of instructions and examinations leading to approved qualifications.

- (1) It shall be the duty of the Council to keep itself informed of the nature of—
 - (a) the instruction given at approved institutions to persons attending approved courses of training; and
 - (b) the examination as a result of which approved qualifications are granted,
 and for the purposes of performing that duty, the Council may appoint, either from among its members or otherwise, persons to visit approved institutions or to observe such examinations.
- (2) It shall be the duty of a visitor appointed under this section to report to the Council on
 - to) the adequacy of the instruction given to persons attending approved courses of training at institutions visited by him;
 - (p) the adequacy of the examinations attended by him; and
 - (c) any other matters relating to the institutions or examinations on which the Council may, either generally or in a particular case, request him to report
 but no such visitor shall interfere with the giving of any instruction or the holding of any examination.
- (3) On receiving a report made in pursuance of this section, the Council may, if it thinks fit, and shall, if so required by the institution send a copy of the report to the person appearing to the Council to be in charge of the institution or responsible for the examination to which the report relates, requesting that person to make an observation on the report to the Council within such period as may be specified in the request, not being less than one month beginning with the date of the request.
- (4) An educational institution for the training of freight forwarders shall submit a syllabus of its programme, detailed contents and minimum facilities to the Council approval.
- (5) An educational institution applying for approval shall provide necessary facilities to qualify for interim approval before the first visitation is conducted by the Council (*Hon. Emeka Ihedioha*)—*Agreed to.*

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

Committee Recommendation:

Clause 11: Power to compile list of establishments.

- (1) The Council shall compile the **list** of establishments or institutions which maintain adequate facilities for the training of freight forwarders.
- (2) The Council shall have the power to inspect approved establishments to confirm, from time to time, the adequacy of facilities within the approved establishments.
- (3) The Council shall provide facilities for the monitoring of the post qualification training including the payment of honoraria and expenses to inspectors.
- (4) The Council shall promote and up-date freight forwarders through continuing education (*Hon. Emeka Ihedioha*)—*Agreed to.*

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

Committee Recommendation:

Clause 12: Registration of consultants.

- (1) The Council shall register annually all organizations or firms performing freight forwarding services.
- (2) Notwithstanding the provisions of any other laws, no organization or firm shall practice as freight forwarders in Nigeria unless it is registered by the Council (*Hon. Emeka Ihedioha*)—*Agreed to.*

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

Committee Recommendation:

Clause 13: Requirement for certificate of accreditation.

- (1) Notwithstanding the provisions of any other laws, any government agency responsible for granting of permits, approvals and licences to freight forwarders shall in addition to any other requirement, require the applicant to submit a certificate of accreditation as a registered freight forwarder issued by the Council.
- (2) Every freight forwarder licensed under the Customs and Excise management Act Cap 84, LFN 1990 prior to the coming into force of this Act, shall immediately after the commencement of this Act, submit to the Nigerian Customs Service and any relevant authority, a certificate of accreditation issued by the Council (*Hon. Emeka Ihedioha*)—*Agreed to.*

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

Committee Recommendation:

Clause 14: Certificate of experience.

- (1) A person who, after obtaining an approved qualification, satisfies the conditions mentioned in subsection (2) of this section shall be entitled to receive a certificate of experience in the prescribed form from the person in charge of the institution mentioned in that subsection,
- (2) The conditions aforesaid are—
 - (a) he shall have served his time for the prescribed period in Nigeria with a view to obtaining a certificate of experience;
 - (b) he shall have acquired during his employment practical experience under the personal supervision and guidance of one or more registered freight forwarders for such periods as may be prescribed; and
 - (c) the manner in which he carried out the duties of his employment and his conduct during the period of his employment shall have been satisfactory.
- (3) It shall be the duty of the employer being a registered freight forwarder supervising the work of persons employed with view to obtaining a certificate of experience, to secure that the person is afforded proper opportunities of acquiring the practical experience required for the purposes of subsection (2) (b) of this section.
- (4) Where after having served his time as mentioned in subsection (2) (a) of this section a person is refused a certificate of experience he shall be entitled—
 - (a) to receive from his employer particulars in writing of the grounds of the refusal; and
 - (b) to appeal from the refusal to a committee of the Council in accordance with rules made by the Council in that behalf (including rules as to the time within which appeals are to be brought),and on any such appeal the committee shall either dismiss the appeal or itself issue the certificate of experience in question or give such other discretions in the matter as it considers just,
- (5) Regulations may provide for the issue of certificates of experience in respect of employment and institutions outside Nigeria (*Hon. Emeka Ihedioha*)—*Agreed to.*

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

PART V—PROFESSIONAL DISCIPLINE

Committee Recommendation:

Clause 15: Establishment of disciplinary tribunal and investigating panel.

- (1) There shall be a tribunal to be known as the Registered Freight-Forwarders Disciplinary Tribunal (in this Act referred to as "the tribunal") which shall be charged with the duty of considering and determining any case referred to it by the investigating panel established by the following provisions of this section and any other case of which the tribunal has cognizance under the following provisions of this Act.
- (2) The tribunal shall consist of the Chairman of the Council and eight other members of the Council appointed by the Council.
- (3) There shall be a body to be known as the Registered Freight Forwarders Investigating Panel (in this Act referred to as "the panel") which shall be charged with the duty of—
 - (a) conducting a preliminary investigation into any case where it is alleged that a person registered has misbehaved in his capacity as a freight forwarder or should for any other reason be the subject of proceedings before the tribunal; and
 - (b) deciding whether the case should be referred to the tribunal.
- (4) The panel shall be appointed by the Council and shall consist of four members of the Council and one fully registered freight forwarder who is not a member of the Council.
- (5) The provisions of the Second Schedule to this Act shall, so far as applicable to the tribunal and panel respectively, have effect with respect to those bodies.
- (6) The Council may make rules not inconsistent with this Act as to acts, which constitute professional misconduct (*Hon. Emeka Ihedioha*)—*Agreed to*.

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

Committee Recommendation:

Clause 16: Penalties for unprofessional conduct.

- (1) Where—
 - (a) a member is convicted, by any court or tribunal in Nigeria or elsewhere having power to award imprisonment, of an offence (whether or not punishable with imprisonment) which in the opinion of the tribunal is incompatible with the status of a registered freight forwarder; or
 - (b) a person provisionally registered under this Act is likewise convicted in circumstances such that the Council is satisfied that his name ought to be removed from the register; or
 - (c) a person fully registered under this Act is judged by the tribunal to be guilty of infamous conduct in any professional respect; or
 - (d) the tribunal is satisfied that the name of any person has been fraudulently registered; or
 - (e) the tribunal is satisfied that the partnership, firm, or organization has been practicing as freight forwarders without the annual registration,the tribunal may, if it thinks fit, give a direction reprimanding that person or ordering the Registrar to strike his name off the relevant part of the register.
- (2) The tribunal may, if it thinks fit, defer or further defer its decision as to the giving of a direction under subsection (1) of this section until a subsequent meeting of the tribunal; but—
 - (a) no decision shall be deferred under this subsection for periods exceeding two years in the aggregate; and

- (b) no person shall be a member of the tribunal for the purposes of reaching a decision, which has been deferred or further deferred, unless he was present as a member of the tribunal when the decision was deferred.
- (3) For the purpose of subsection (1) of this section, a person shall not be treated as convicted, unless the conviction stands at a time when no appeal or further appeal is pending or may (without extension of time) be brought in connection with the conviction.
- (4) When the tribunal gives a direction under subsection (1) of this section, the tribunal shall cause notice of the direction to be served on the person to whom it relates.
- (5) A person to whom a direction relates may, at any time within twenty-eight days from the date of service on him of notice of the direction, appeal against the direction to the Court of Appeal and the tribunal may appear as respondent to the appeal and, for the purpose of enabling directions to be given as to the costs of the appeal and of proceedings before Court of Appeal, the tribunal shall be deemed to be a party thereto whether or not it appears on the hearing of the appeal.
- (6) A direction of the tribunal under subsection (1) of this section, shall take effect—
- (a) where no appeal under this section is brought against the direction within the time limit for such an appeal, on the expiration of that time;
 - (b) where such an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal;
 - (c) where such an appeal is brought and is not withdrawn or struck out as aforesaid, if and when the appeal is dismissed,
- and shall not take effect except in accordance with the foregoing provisions of this subsection.
- (7) A person whose name is struck off the register in pursuance of a direction of the tribunal under this section, shall not be entitled to be enrolled or registered again except in pursuance of a direction in that behalf given by the tribunal on the application of that person; and a direction under this section for the striking off of a person's name from the register may prohibit an application under this subsection by that person until the expiration of such period from the date of the direction (and where he has duly made such an application, from the date of his last application) as may be specified in the direction (*Hon. Emeka Ihedioha*)—*Agreed to*.

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

PART VI—MISCELLANEOUS

Committee Recommendation:

Clause 17: Application of this Act to unregistered persons.
Any person not a registered freight forwarders who but for this Act, would have been qualified to apply for and be registered may, within the period of three months beginning from the commencement of this Act apply to the Council for registration in such manner as may be prescribed by rules made by the Council; and if approved, he shall be enrolled and registered, as the case may be according to his qualifications (*Hon. Emeka Ihedioha*)—*Agreed to*.

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

Committee Recommendation:

Clause 18: When a person is deemed to practice as a freight forwarder.
(1) Subject to subsection (2) of this section, a person shall be deemed to practice as a freight forwarder if, in consideration of remuneration received or to be received, and whether by himself or in partnership with any other person—

- (a) he engages himself in the practice of freight forwarding or holds himself out to the public as a freight forwarder; or
- (b) he renders professional service or assistance in or about matters of principle or detail relating to freight forwarding; or
- (c) he renders any other service which may by regulations made by the Council, be designated as service constituting freight forwarding practice.

(2) Nothing in this section shall be construed so as to apply to persons who, while in the employment of any Government or person, are required under the terms of or in the course of such employment to perform the duties or any of the duties of a freight forwarder (*Hon. Emeka Ihedioha*)—*Agreed to*.

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

Committee Recommendation:

Clause 19: Rules as to practice, etc.

- (1) The Council may make rules-
 - (a) for the training of suitable persons in freight forwarding;
 - (b) for the supervision and regulation of the engagement, training and transfer of such persons from one register to another.
- (2) The Council may also make rules—
 - (a) prescribing the amount and due date for payment of the annual subscription and for such purpose different amounts may be prescribed by the rules according to the category of registration;
 - (b) prescribing the form of licence to practice to be issued annually or, if the Council thinks fit, by endorsement on an existing licence; and
 - (c) restricting the right to practice in default of payment of the amount of me annual subscription where the default continues for longer than such period as may be prescribed by the rules.
- (3) Rules made under this section shall, if the Chairman of the Council so directs, be published in, the Gazette (*Hon. Emeka Ihedioha*)—*Agreed to*.

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

Committee Recommendation:

Clause 20: Provisions of library facilities, etc.
The Council shall—

- (a) provide and maintain a library comprising books and publications for the advancement of knowledge of freight forwarding and such other books and publications as the Council may think necessary for the purpose;
- (b) encourage research into freight forwarding methods and allied subjects to the extent that the Council may from time to time consider necessary (*Hon. Emeka Ihedioha*)—*Agreed to*.

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

Committee Recommendation:

Clause 21: Offences.

- (1) Any person not a registered freight forwarder who—
 - (a) for or in expectation of reward holds himself out to practice as such; or
 - (b) without reasonable excuse takes or uses any name, title, addition or description implying that he is authorized by law to practice as a registered freight forwarder,
 shall be guilty of an offence.

- (2) Any person on the provisional register who, otherwise than in accordance with section 7 (4) of this Act—
 - (a) for or in expectation of reward holds himself out to practice as such; or
 - (b) without reasonable excuse takes or uses any name, title, addition or description implying that he is authorized by law to practice as a registered freight forwarder,
 shall be guilty of an offence.
- (3) If any person, for the purpose of procuring the registration of any name, qualification or other matter—
 - (a) makes a statement which he believes to be false in a material particular; or
 - (b) recklessly makes a statement which is false in a material particular,
 he shall be guilty of an offence.
- (4) If the Registrar or any other person employed by or on behalf of the Council willfully makes any falsification in any matter relating to the register, he shall be guilty of an offence.
- (5) A person guilty of an offence under this section shall be liable—
 - (a) on summary conviction, to a fine of an amount not exceeding W50,000.00
 - (b) on conviction on indictment, to a fine of an amount not exceeding N 150,000.00 or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.
- (6) Where an offence under this section which has been 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 that offence and shall be liable to be proceeded against and punished accordingly (*Hon. Emeka Ihedioha*)—*Agreed to*.

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

Committee Recommendation:

Clause 22: Miscellaneous supplementary provisions.

- (1) A certificate required by any written law from any class of persons for whom a register is maintained under this Act shall not be valid unless the person signing it is registered in accordance with this Act.
- (2) Subject to the provisions of this Act and notwithstanding the provisions of any other laws, no person, not being registered in accordance with this Act, shall be entitled to hold any appointment, or be granted a licence by any establishment in the public service of the Federation or of a state or in any public or private establishment, body or institution, if the holding of such appointment or the grant of such licence involves the performance by him in Nigeria of any act pertaining to the profession of freight forwarding for gain.
- (3) Notwithstanding the provisions of any other law, persons or companies engaged in the international transportation of goods shall not employ the services of any person as a freight forwarding unless the person is registered under this Act.
- (4) Notwithstanding the provisions of any other law or enactment, no remuneration shall be recoverable by legal proceedings in respect of any act done or omitted to be done by a person not registered under this Act, in pursuance of any contract while purporting to act as a registered freight forwarder or by any person who is prohibited from performing such act for gain (*Hon. Emeka Ihedioha*)—*Agreed to*.

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

Committee Recommendation:

Clause 23: Regulations, rules and orders.

- (1) Any power to make regulations, rules or orders conferred by this Act shall include power, to make—
 - (a) provisions for such incidental and supplementary matters as the authority making the instrument considers expedient for the purposes of the instrument; and
 - (b) different provisions for different circumstances.
- (2) Any regulation made under this Act, shall be published in the Gazette as soon as they are made and a copy of any such regulation shall be sent to the Minister not later than 7 days before they are so published.
- (3) Rules made for the purposes of this Act, shall be subject to confirmation by the Council at its next general meeting or at any special meeting of the Council convened for that purpose, and if annulled, shall cease to have effect on the day after the date of annulment, but without prejudice to anything done in pursuance or intended pursuance to any such rules (*Hon. Emeka Ihedioha*)~Agreed to.

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

Committee Recommendation:

Clause 24: Interpretation.

In this Act, unless the context otherwise requires—

"chairman" and "vice chairman" means persons elected as such to chair the Council established under this Act; (*Hon. Emeka Ihedioha*).

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

"council" means the Council for the Regulation of Freight Forwarding in Nigeria established by section 1 of this Act; (*Hon. Emeka Ihedioha*).

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

"disciplinary tribunal" means the Registered Freight Forwarders Disciplinary Tribunal established under section 15 of this Act; (*Hon. Emeka Ihedioha*).

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

"fees" include annual subscriptions; (*Hon. Emeka Ihedioha*).

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

" freight forwarder" means any person or company who arranges the carriage of goods (by all modes of transport including road, rail, sea and air) and the associated formalities on behalf of a shipper whose duties include booking space on a ship (or carrier), providing all the necessary documentation and arranging Customs clearance; (*Hon. Emeka Ihedioha*).

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

"investigating panel" means the Registered Freight Forwarders Investigating Panel established under section 15 of this Act; (*Hon. Emeka Ihedioha*).

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

"member" means persons whose names are listed in the Register kept by the Council under Part III; (*Hon. Emeka Ihedioha*).

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 of the Government of the Federation charged with the responsibility for matters relating to transport generally; (*Hon. Emeka Ihedioha*).

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

"profession" means the profession of freight forwarding; (*Hon. Emeka Ihedioha*).

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

"register" means the register maintained under this Act, and registered shall be construed accordingly (*Hon. Emeka Ihedioha*).

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

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

Committee Recommendation:

Clause 25: Citation.

This Act may be cited as the Council for the Regulation of Freight Forwarding in Nigeria Bill, 2005 (*Hon. Emeka Ihedioha*)—*Agreed to.*

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

SCHEDULES

FIRST SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

Qualifications and Tenure of office of Members of the Council

- 1- (1) Subject to the provisions of this paragraph, a member of the Council shall hold office for a period of two years beginning with the date of his appointment or election.
- (2) Any member of the Council who ceases to be a member thereof shall, if he is also a member of the Council cease to hold office on the Council.
- (3) Any elected member of the Council may, by notice in writing under his hand addressed to the chairman, resign his office and any appointed members may with the consent of the Minister in the same manner resign his office.
- (4) A person who retires from or otherwise ceases to be an elected member of the Council shall be eligible again to become a member of the Council and any appointed member may be reappointed.
- (5) Elections to the Council shall be held in such manner as may be prescribed by rules made by the Council and until so prescribed they shall be decided by a show of hands.
- (6) If for any reason, there is a vacation of office by a member and—
 - (a) such member was appointed by the Minister or any other body, the Minister or that body may appoint another fit person from the area in respect of which the vacancy occurs; or
 - (b) such member was elected, the council may, if the time between the un-expired portion of the term of office and the next general meeting of the Council appears to warrant the filling of the vacancy, co-opt some fit person for such time as aforesaid.

Proceeding of the Council

2. (1) Subject to the provisions of this Act the Council may in the name of the Council make standing orders regulating the proceedings of the Council or of the Council and in the exercise of its powers under this Act, may set up committees in the general interest of the Council and make standing orders therefore.
 - (2) Standing orders shall provide for decisions to be taken by a majority of the members and, in the event of an equality of votes, the chairman, shall have a second or casting vote.
 - (3) Standing orders made for a committee shall provide for the committee to report back to the council on any matter referred to it by the Council.
3. The quorum of the Council shall be nine and the quorum of a committee of the Council shall be determined by the Council,

Meeting of the Council

4. (1) The Council shall convene the meeting of the Council on 30th April in every year or on such other day as the Council may, from time to time, appoint, so however, that if the meeting is not held within one year after the previous meeting, not more than fifteen months shall elapse between the respective dates of the two meetings.
 - (2) A special meeting of the Council may be convened by the Council at any time and if not less than twenty members of the Council so require, by notice in writing addressed to the Registrar of the Council setting out the objects of the proposed meeting, the chairman of the Council shall convene a special meeting of the Council.
 - (3) The quorum of any general meeting of the Council shall be nine members and that of any special meeting of the Council shall be fifteen members.
5. (1) Subject to the provisions of any standing orders of the Council, the Council shall meet whenever it is summoned by the chairman and if the chairman is required to do so, by notice in writing given to him by not less than ten other members he shall summon a meeting of the Council to be held within fourteen days from the date on which the notice is given.
 - (2) At any meeting of the Council, the chairman or in his absence the vice-chairman shall preside but if both are absent, the members present at the meeting shall appoint one of their members to preside at the meeting.
 - (3) Where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt him as a member for such period as the Council thinks fit but a person who is a member by virtue of this sub-paragraph, shall not be entitled to vote at any meeting of the Council and shall not count towards a quorum.
 - (4) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the Council shall be summoned by the chairman of the Council.

Committees

6. (1) The Council may appoint one or more committees to carry out on behalf of the Council or of the Council such functions as the Council may determine.
- (2) A committee appointed under this paragraph shall consist of the number of persons determined by the Council of whom not more than one third may be persons who are not members of the Council and a person other than a member of the Council shall hold office on the committee in accordance with the terms of the letter by which he was appointed.
- (3) A decision of a committee of the council shall be no effect until it is confirmed by the Council.

Miscellaneous

- 7 (1) The fixing of the seal of the Council shall be authenticated by the signature of the chairman or of some other members of the Council authorised generally or specially by the Council to act for that purpose.

- (2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Council of the Council as the case may require by any person generally or specially authorised to act for that purpose by the Council.
 - (3) Any document purporting to be a document duly executed under the seal of the Council shall be received in evidence and shall unless the contrary is proved, be deemed to be so executed.
8. The validity of any proceedings of the Council or of the Council or of a committee of the Council shall not be adversely affected by any vacancy in membership or by any defect in the appointment of a member of the Council or of the Council or of a person to serve on the committee or by reason that a person not entitled to do so took part in the proceedings.
9. Any member of the Council or of the council and any person holding office on a committee of the Council, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council on behalf of the Council or on behalf of the Council thereof, shall forthwith disclose his interest to the chairman or to the Council, as the case may be, and shall not vote on any question relating to the contract or arrangement.
10. A person shall not by reason only of his membership of the Council be treated as holding an office in the public service of the Federation (*Hon. Emeka Ihedioha*)—*Agreed to*.

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

SECOND SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY TRIBUNAL AND INVESTIGATING PANEL

The Disciplinary Tribunal

1. The quorum of the Disciplinary Tribunal shall be four of whom at least two shall be registered freight forwarders.
2.
 - (1) The Attorney-General of the Federation may make rules as to the selection of members of the Disciplinary Tribunal for the purpose of any proceeding, the procedure to be followed and the rules of evidence to be observed in proceedings before the disciplinary tribunal.
 - (2) The rules shall in particular provide—
 - (a) for securing that notice of the proceedings shall be given at such time and in such manner, as may be specified by the rules, to the person who is the subject of the proceedings;
 - (b) for determining who, in addition to the person aforesaid, shall be a party to the proceedings;
 - (c) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the disciplinary tribunal;
 - (d) for securing that any party to the proceedings may be represented by a legal practitioner;
 - (e) subject to the provisions of section 15 (5) of this Act, as to the costs of proceedings before the disciplinary tribunal.
 - (f) for requiring, in a case where it is alleged that the person who is the subject of the proceedings is guilty of infamous conduct in any professional respect, that where the disciplinary tribunal adjudges that the allegation has not been proved it shall record a finding that the person is not guilty of such conduct in respect of the matters to which the allegation relates;
 - (g) for publishing in the Gazette notice of any direction of the disciplinary tribunal, which has, taken effect providing that a person's name shall be struck off a register.

3. For the purposes of any proceedings before the disciplinary tribunal any member of the disciplinary tribunal may administer oath and any party to the proceedings may sue out of the registry of the High Court writs of subpoena ad testificandum and duces tecum but no person appearing before the disciplinary tribunal shall be compelled—
- (a) to make any statement before the disciplinary tribunal tending to incriminate himself; or
 - (b) to produce any document under such a writ which he could not be compelled to produce at the trial of an action.
4. (1) For the purpose of advising the disciplinary tribunal on questions of law arising in proceedings before it, there shall in all such proceedings be an assessor to the disciplinary tribunal who shall be appointed by the Council on the nomination of the Attorney-General of the Federation and shall be a legal practitioner of not less than seven years standing.
- (2) The Attorney-General of the Federation shall make rules as to the functions of assessors appointed under this paragraph and in particular such rules shall contain provisions for securing—
- (a) that where an assessor advises the disciplinary tribunal on any question of law as to evidence, procedure or any other matters specified by the rules, he shall do so in the presence of every party or person representing a party to the proceedings who appear thereat or, if the advice is tendered while the disciplinary tribunal is deliberating in private, that every such party or person as aforesaid shall be informed what advice the assessor has tendered;
 - (b) that every such party or person as aforesaid shall be informed if in any case the disciplinary tribunal does not accept the advice of the assessor on such a question as aforesaid.
- (3) An assessor may be appointed under this paragraph either generally or for any particular proceedings or class of proceedings and shall hold and vacate office in accordance with the terms of the letter by which he is appointed.

The Investigating Panel

5. The quorum of the investigating panel shall be three.
6. (1) The investigating panel may, at any of its meeting attended by all the members of the investigating panel, make standing orders with respect to the investigating panel.
- (2) Subject to the provisions of any such standing orders, the investigating panel may regulate its own procedure.

Miscellaneous

7. (1) A person ceasing to be a member of the disciplinary tribunal or the investigating panel shall be eligible for reappointment as a member of the disciplinary tribunal or investigating panel as the case may be.
- (2) A person may, if otherwise eligible, be a member of both the disciplinary tribunal and the investigating panel but no person who acted as a member of the investigating panel with respect to any case shall act as a member of the disciplinary tribunal with respect to the case.
8. The disciplinary tribunal or the investigating panel may act notwithstanding any vacancy in its membership, and the proceedings of either body shall not be invalidated by any irregularity in the appointment of a member of that body or subject to paragraph 7 (2) of this schedule, by reason of the fact that any person who was not entitled to do so took part in the proceedings of that body.
9. Any document authorised or required by virtue of this Act to be served on the disciplinary tribunal or the investigating panel shall be served on the Registrar.
10. Any expenses of the disciplinary tribunal or the investigating panel shall be defrayed by the Council (Hon. Emeka Ihedioha)~Agreed to.

Question that the provisions in the Second 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, considered the Report of the House Committee on Marine Transport on a Bill for an Act to Establish a Council for Freight Forwarders of Nigeria, Charged with the Responsibility, Among Others, of Determining the Standards of Knowledge and Skills to be Attained by Persons Seeking to be Registered Members of Freight Forwarders of Nigeria, in Accordance with the Provisions of this Act; and for Related Purposes, 2005 and approved Clauses 1 - 62, the First and Second Schedules without amendment.

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

Question put and agreed to.

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

- (iv) *Joint Committee on science and Technology, Information and Justice:*
Motion made and Question proposed, "That this House do consider the Report of the Joint Committee on Science and Technology, Information and Justice on a Bill for an Act to Provide for the Establishment of the National Information Technology Development Agency; and for Matter Connected Therewith, 2004 and approve the Recommendations therein (Hon. Festus Adegoke).

Question put and agreed to.

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

{HOUSE IN THE COMMITTEE}

(Mr Deputy Speaker in the Chair)

**A BILL FOR ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NATIONAL INFORMATION
TECHNOLOGY DEVELOPMENT AGENCY AND FOR MATTERS CONNECTED THEREWITH**

**PART I—OBJECTIVES AND ESTABLISHMENT, ETC. OF THE NATIONAL INFORMATION
TECHNOLOGY DEVELOPMENT AGENCY AND ITS GOVERNING BOARD**

Committee Recommendation:

Clause I: Objectives.

The objectives of this Act shall include—

- (a) the practical implementation of the Information Technology Policy of the Government, which is to leverage information technology for the technological, social and economic advancement of Nigeria;
- (b) the use of information technology for the purposes of education, poverty eradication, job creation, global competitiveness, creation of wealth and for such other purposes as the Government may, from time to time, determine;
- (c) the creation of an enabling environment for software and hardware development;
- (d) the facilitation of electronic transactions and activities including but not limited to commerce, education, health, etc;
- (e) the enhancement of information technology penetration awareness and development of human capital in information technology through the re-structuring of all levels of education and organising training, workshops and specialised programmes
- (f) accelerating data-gathering and creation of databases for planning and developmental purposes;
- (g) providing universal access for information technology penetration including rural, urban and under-served areas;
- (h) providing for electronic governance at all levels;

- (i) providing for public-private sector collaboration in achieving the various objectives; and
 - (f) encouraging research and development activities in achieving theme objectives
- (Hon. Festus Adegoke)—Agreed to.*

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

Committee Recommendation:

- Clause 2: **Establishment of the National Information Technology Development Agency.**
- (1) There is hereby established a body to be known as the National Information Technology Development Agency (in this Act referred to as "the Agency").
 - (2) The Agency shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name *(Hon. Festus Adegoke)—Agreed to.*

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

Committee Recommendation:

- Clause 3: **Establishment and membership of the Governing Board.**
- (1) There is hereby established for the Agency, a Governing Board (in this Act, referred to as "the Board") which shall have overall control of the Agency.
 - (2) The Board shall consist of—
 - (a) a chairman;
 - (b) a representative each of—
 - (i) the Federal Ministry of Science and Technology,
 - (i) the Ministry of Defence,
 - (iii) the Federal Ministry of Education,
 - (iv) the Federal Ministry of Commerce,
 - (v) the Nigerian Communications Commission,
 - (vi) the Computer Professionals Registration Council of Nigeria,
 - (vii) the Nigeria Computer Society;
 - (viii) the Information Technology (Industries) Association of Nigeria,
 - (ix) the Nigerian Internet Group,
 - (x) Manufacturers Association of Nigeria,
 - (xi) Nigerian Association of Chambers of Commerce, Industry, Mines and Agriculture,
 - (xii) Council of Registered Engineers of Nigeria; and
 - (c) the Director-General of the Agency.
 - (2) The Chairman and members of the Board, other than ex-officio members, shall be appointed by the President, on the recommendation of the Minister to reflect six geopolitical zones.
 - (3) **Schedule.**
The supplementary provisions set out in the Schedule to this act shall have effect with respect to the proceedings of the Board and the other matters mentioned therein *(Hon. Festus Adegoke)—Agreed to.*

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

Committee Recommendation:

Clause 4: Tenure of office.

The Chairman and other members of the Board, other than *ex-officio* members shall each hold office—

- (a) for a term of 4 years in the first instance may be re-appointed for a further term of 4 years and no more; and
- (b) on such terms and conditions as may be specified in his letter of appointment (*Hon. Festus Adegoke*)—*Agreed to.*

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

Committee Recommendation:

Clause 5: Cessation of membership.

- (1) Notwithstanding the provisions of Section 4 of this Act, a member may at any time be removed from office by the President for inability to discharge the functions of his office (whether arising from infirmity of 'mind or body or any other cause) or for misconduct.
- (2) A member of the Board may resign his appointment by a notice in writing under his hand, addressed to the President and that member shall, on the date of the receipt of the notice by the President cease to be a member of the Board or if the President is satisfied that it is not in the interest of the Board or in the interest of the public for the person appointed to continue in office the President may, on the recommendation of the Minister, notify the person in writing to that effect (*Hon. Festus Adegoke*)—*Agreed to.*

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

Committee Recommendation:

Clause 6: Emoluments, etc. of members.

The Chairman and members of the Board shall be paid such emoluments, allowances and benefits as the Federal Government may, from time to time, direct (*Hon. Festus Adegoke*)—*Agreed to.*

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

Committee Recommendation:

Clause 7: Functions of the Agency.

The Agency shall—

- (a) facilitate the establishment and development of appropriate infrastructure for information technology in Nigeria both for the public and private sector, urban-rural development, the economy and the government;
- (b) encourage and accelerate the use of electronic data interchange and other forms of electronic communication transactions as an alternative to paper-based methods in government, commerce, education, the private and public sectors, labour, and other fields, where the use of electronic communication may improve the exchange of data and information;
- (c) encourage and accelerate the networking of all government departments, offices, etc;
- (d) develop and monitor guidelines for the certification of digital signatures and e-commerce encryption services;
- (e) render advisory services in all information technology matters to the public and private sectors;
- (f) set up Advisory and Technical Committee as it deems fit to advice it on standards to be set for information technology related equipments to be used in the country and other related issues;
- (g) create incentives to promote the use of information technology in all spheres of life in Nigeria including the setting up of information technology Parks;

- (h) recommend the introduction of appropriate regulations and legislation by Government to encourage private sector investment in the information technology industry;
- (i) collaborate with any Local Government, State Government, company, firm or person in any activity which in the opinion of the Agency is intended to facilitate attainment of the objectives of this Act;
- (j) encourage, undertake and participate in research and development activities;
- (k) advise the Government on ways of promoting the development of information technology in Nigeria including providing appropriate information technology legislation, to enhance the vibrant development and growth of the industry; and
- (l) accelerate Internet penetration in Nigeria and Promote sound Internet governance by supervising the management and administration of the Nigeria's country code top level domain (.ng) as set out in the second schedule to this Act;
- (m) perform such other duties which, in the opinion of the Agency, are necessary or expedient to ensure the efficient performance of the functions of the Agency under this Act (*Hon. Festus Adegoke*)—*Agreed to*.

Question that the provisions in Clause 7 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 8: Power of the Board.
The Board shall have power to—

- (a) formulate overall policy for the management of the affairs of the Agency;
- (b) manage the National Information Technology Development account established under Section 14 of this Act; and
- (c) exercise such powers as are necessary or expedient for giving effect to the provisions of this Act (*Hon. Festus Adegoke*)—*Agreed to*.

Question that the provisions in Clause 1 stand part of the Bill, put and agreed to. PART

n—STAFF AND STRUCTURE OF THE AGENCY

Committee Recommendation:

Clause 9: Director-General, Secretary and other staff of the Agency.

- (1) There shall be for the Agency a Director-General who shall—
 - (a) be appointed by the President on the recommendation of the Minister;
 - (b) be the chief executive and accounting officer of the Agency;
 - (c) be responsible for the execution of policy and the day to day administration of the affairs of the Agency; and
 - (d) perform such other duties as the Board may, from time to time, assign to him.
- (2) The Director-General shall hold office for a term of 4 years in the first instance and may be re-appointed for a further term of 4 years and no more and on such terms and conditions as may be specified in his letter of appointment.
- (3) There shall be for the Agency a Secretary who shall—
 - (a) be appointed by the Board;
 - (b) be secretary to the Board but shall not be a member of the Board;
 - (c) keep records and conduct the correspondence of the Agency; and
 - (d) perform such other duties as the Director-General may, from time to time, direct.

- (4) The Agency may, subject to the approval of the Board, appoint such other staff as it may deem necessary and expedient, from time to time, for the proper and efficient performance of the functions of the Agency.
- (5) The terms and conditions of service including remuneration, allowances, benefits and pensions of the staff and employees of the Agency shall be determined by the Agency after consultation with the Federal Civil Service Commission (*Hon. Festus Adegoke*)—*Agreed to.*

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

Committee Recommendation:

Clause 10: Pensions. Cap. 346 LFN.

- (1) It is hereby declared that service in the Agency shall be approved service for the purpose of the Pensions Act, and accordingly, officers and employees of the Agency shall be entitled to pensions, gratuities and other retirement benefits as are prescribed under the Pension Act.
- (2) Without prejudice to the provisions of Subsection (1) of this section, nothing in this Act shall prevent the appointment of a person to any office on terms and conditions which preclude the grant of a pension, gratuity or other retirement benefits in respect of that office.
- (3) For the purpose of the application of the provisions of the Pensions Act, any power exercisable by a Minister or other authority of the Federal Government, other than the power to make regulations, under Section 23 thereof, is hereby vested in and shall be exercisable by the Board and not by any other person or authority (*Hon. Festus Adegoke*)—*Agreed to.*

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

Committee Recommendation: Clause

11: Staff regulations.

- (1) Subject to the provisions of this Act, the Agency may make staff regulations relating generally to the conditions of service of the staff and without prejudice to the generality of the foregoing, such regulations may provide for
 - (a) the appointment, promotion, termination, dismissal and disciplinary control of staff or employees of the Agency; and
 - (b) appeals by staff or employees against dismissal or other disciplinary measures,
 and until such regulations are made, any instrument relating to conditions of service in the public service of the Federation shall be applicable, with such modifications as may be necessary, to the employees of the Agency.
- (2) The staff regulations made under Subsection (1) of this section shall not have effect until approved by the Board, and when so approved they need not be published in the Federal Gazette but the Agency shall cause a notice of the staff regulations to be issued to all affected staff in such manner as it may, from time to time, determine (*Hon. Festus Adegoke*)—*Agreed to.*

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

Committee Recommendation:

Clause 12: Removal from office of the Director-General, etc.

- (1) Without prejudice to the provisions of Sections 9 (2) and 11 of this Act, the Director-General of the Agency may be removed by President on the recommendation of the Minister and the Board.
- (2) The Board may, with the approval of the Minister, remove the Secretary and the principal officers of the Agency from office (*Hon. Festus Adegoke*)—*Agreed to.*

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

Committee Recommendation:

Clause 13: Structure and principal officers of the Agency.

- (1) The Board may, with the approval of the Minister, structure the Agency into such number of departments for the effective discharge of the functions of the Agency and without prejudice to the generality of the foregoing, the structure of the Agency shall include—
 - (a) the Infrastructure and Technical Department;
 - (b) the Legal and Regulatory Department;
 - (c) the Planning, Research and Development Department;
 - (d) the Finance and Administration; and
 - (e) the Zonal Coordination Department.
- (2) The Board shall, with the approval of the Minister, appoint principal officers not below the rank of Director in the public service of the Federation to oversee such departments established under Subsection (1) of this section (*Hon. Festus Adegoke*)—*Agreed to*.

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

PART III—ESTABLISHMENT OF THE NATIONAL INFORMATION TECHNOLOGY DEVELOPMENT FUND

Clause 14: Establishment, etc. of the National Information Technology Development Fund.

- (1) There is hereby established a fund, which shall be known as the National Information Technology Development Fund (in this Act referred to as "the Fund").
- (2) The Fund shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.
- (3) There shall be paid and credited into the Fund established under Subsection (1) of this section—
 - (a) a levy of two percent of the profit before tax of all IT companies and enterprises with annual turnover of N100,000,000 and above and such paid by the companies shall be tax deductible;
 - (6) grants-in-aid and assistance from bilateral and multilateral agencies;
 - (c) all other sums accruing to the Fund by way of gifts, endowments, bequest or other voluntary contributions by persons and organisations:

Provided that the terms and conditions attached to such gifts, endowments, bequest or contributions are not inconsistent with the aims and objectives of the Agency; and
 - (d) all other monies or assets that may, from time to time, accrue to the Fund (*Hon. Festus Adegoke*)—*Agreed to*.

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

Committee Recommendation:

Clause 15: Establishment, etc. of the Board of Trustees of the National Information Development Fund.

- (1) There is hereby established for the Fund a Board of Trustees comprising the following members, that is—
 - (a) a Chairman who shall be appointed by the Minister on the recommendation of the Director-General of the Agency and the Chairman shall be a person of proving integrity;
 - (b) one representative each of—
 - (i) the Federal Ministry of Science and Technology,

- (ii) the Federal Ministry of Finance,
 - (iii) the Manufactures Association of Nigeria,
 - (iv) the Nigerian Association of Chambers of Commerce, Industry, Mines and Agriculture;
- (c) one person to represent the academia to be nominated by the Committee of Vice-Chancellors; and
- (d) Director-General of the Agency who shall also be the secretary to the Board of Trustees of the Fund.
- (2) The Chairman and members of the Board of Trustees, other than the Secretary, shall hold office for a term of 3 years and may be re-appointed for a further term of 3 years and no more.
- (3) The Board of Trustees may appoint, either directly or from any of the Public Service of the Federation, such number of staff or officers as employees of the Fund to assist the Secretary to the Board of Trustees in his functions under this Part of this Act.
- (4) The remunerations and tenure of office of the employees of the Fund shall be determined by the Board of Trustees after consultation with the Federal Civil Service Commission (*Hon. Festus Adegoke*)—*Agreed to*.

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

Committee Recommendation:

Clause 16: Functions of the Board of Trustees of the Fund.

The Board of Trustees of the Fund shall—

- (a) monitor and ensure the collection and payment into the Fund, the levy or tax imposed under Section 14 of this Act;
- (b) collect all other monies accruing to the Fund and ensure that such monies are paid into the account of the Fund;
- (c) manage and disburse the money standing to the Funds for—
 - (i) research, development, production and other activities necessary for the attainment of the objectives of this Act,
 - (ii) grants, scholarships and awards for specialised training and capacity building in information technology for Nigerians both within and outside the country,
 - (iii) commercialisation, publication and promotion of research results of locally manufactured capital goods for adoption by the industry,
 - (iv) receive requests and, after due consideration, approve projects relevant for information technology development in Nigeria,
 - (v) monitor and evaluate the execution of such projects,
 - (vi) serve as an intervention fund and or counterpart funding for information technology development activities; and
- (d) undertake any other activity or function in connection with all or any of the objectives of this Act (*Hon. Festus Adegoke*)—*Agreed to*.

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

Committee Recommendation:

Clause 17: Exemption from tax.

All monies accruing the Fund from the sources specified in Section 14 of this Act shall be exempted from income tax and all contributions to the Fund shall be tax deductible (*Hon. Festus Adegoke*)—*Agreed to*.

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

Committee Recommendation:

Clause 18: Investments. Cap. 449 LFN.

The Board of Trustees of the Fund may, with the approval of the Minister and in accordance with the Investments Trustees Act, invest any surplus funds in profit yielding ventures through joint venture, partnerships, shareholding as the case may be, and the net incomes so generated shall be paid back into the Fund (*Hon. Festus Adegoke*)—*Agreed to.*

Question that the provisions in Clause 18 of the Bill be deleted, put and agreed to.

Committee Recommendation:

Clause 19: Accounts and report of the Fund.

- (1) The Secretary to the Board of Trustees shall keep proper records of the accounts, sources and use of the monies and assets of the Fund and shall render to the Board of Trustees, from time to time.
- (2) The account of the Fund shall be audited not later than 3 months after the end of the year to which it relates by auditors appointed by the Board of Trustees from the list and in accordance with the guidelines supplied by the Auditor-General of the Federation (*Hon. Festus Adegoke*)—*Agreed to.*

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

Committee Recommendation:

Clause 20: Federal Inland Revenue Service to collect levy and pay into the Fund.

- (1) The Federal Inland Revenue Service shall assess and collect the levy imposed under Section 14 of this Act.
- (2) The Federal Inland Revenue Service shall, while assessing any company **for** company income tax for an accounting period of the company, also assess such company for the levy or tax due under this Act.
- (3) The levy imposed under Section 14 of this Act shall be due and payable within 60 days after the Federal Inland Revenue Service has served notice of the assessment on a company in such form as the Federal Inland Revenue Service may, from time to time, determine.
- (4) Where a levy due under Section 14 of this Act is not paid within the time specified in that section, the Federal Inland Revenue Service shall serve on the company, a demand note for the unpaid tax plus a sum which is equal to 2 percent of the levy.
- (5) Any company that, within two months of the demand note, fails to pay the levy commits an offence and shall on conviction be liable to a fine of not less than N 1,000,000 and the CEO of the company shall be liable to be prosecuted against and punished for the offence in like manner as if he had himself committed the offence; unless he proves that the act or omission constituting the offence took place without his knowledge, consent or connivance.
- (6) The institution of proceedings or imposition of a penalty under this Act shall not relieve a company from liability to pay to the Federal Inland Revenue Service such levy or levies that may become due under this Act (*Hon. Festus Adegoke*)—*Agreed to.*

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

Committee Recommendation:

Clause 21: Offences.

- (1) Except as otherwise provided in this Act, any person who contravenes or fails to comply with the provisions of this Act commits an offence.
- (2) Where a body corporate fails to make payment within two months after a demand note for unpaid levy plus a sum which is equal to 2 per cent of this levy has been served on the body corporate, the body corporate commits an offence under this Act.
- (3) Where an offence under this Act is committed by a body corporate or firm or other association of individuals—

- (a) every CEO or other similar officer of the body corporate; and
- (b) every person who was purporting to act in any of the capacities as mentioned in (a) commits an offence, unless he proves that the act or omission constituting the offence took place without his knowledge, consent or connivance (*Hon. Festus Adegoke*)—*Agreed to*.

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

Committee Recommendation:

Clause 22: Offences relating to body corporate.

- (1) Except as otherwise provided in this Act, any body corporate or person who is found guilty of an offence under this Act and c where no specific penalty is provided, shall be liable on conviction—
 - (a) for a first offence, to a fine of N200.000 or imprisonment for a term of 1 year or both ; and
 - (b) for a second and subsequent offences, to a fine of N500,000 or to imprisonment for a term of 3 years or both.
- (2) The institution of proceedings or imposition of a penalty under this Act shall not relieve a body corporate from liability to pay to the Federal Inland Revenue Service such levy or tax which may become due under this Act (*Hon. Festus Adegoke*)—*Agreed to*.

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

PART IV—INFORMATION TECHNOLOGY PARKS

Committee Recommendation:

Clause 23: Information Technology Parks.

- (1) Subject to this Act, the Minister shall by Order, designate and facilitate the establishment of Information Technology Parks (in this Act referred to as "the Parks") all over the Country.
- (2) Upon application made in that behalf by the Minister, through the Minister charged with responsibility for matters relating to Commerce, the President may by Order designated the Parks as Free Zones (*Hon. Festus Adegoke*)—*Agreed to*.

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

Committee Recommendation:

Clause 24: Incentives for Information Technology Parks.

- (1) The approved enterprises or firms engaged in information technology within the Parks designated or established under Section 20 of this Act shall be entitled to—
 - (a) pioneer status that guarantees such enterprises or firms tax exemption for a period of 5 years;
 - (b) 1992 No. 63.
 - (b) export incentives as provided in me Export Processing Zones Act or any other enactment for the time being in force; and
 - (c) such other incentives that may be specified by the Government of the Federation, from time to time.
- (2) The incentives provided under Subsection (1) of this section shall apply to all approved enterprises or firms as may be designated from time to time by the Minister on the recommendation of the Agency and in consultation with the Minister charged with responsibility for Commerce.
- (3) Any provisions of any enactment in respect of taxes, levies and tariffs shall not apply to approved enterprises or firms, designated in accordance with the provisions of Section 23 of this Act, operating both within and outside the Parks (*Hon. Festus Adegoke*)—*Agreed to*.

Question that the provisions in Clause 7 stand part of the Bill, put and agreed to.

PART V—FINANCIAL PROVISIONS

Committee Recommendation:

Clause 25: Funds of the Agency.

The Agency shall establish and maintain accounts, which shall be paid and credited from—

- (a) all subventions and budgetary allocations from the Federal Government;
- (b) gifts, loans, grants-in-aid from national bilateral and multilateral Organisations and agencies;
- (c) rents, fees and other internally generated revenues from services provided by the Agency and;
- (d) all other sums accruing to the Agency from time to time (*Hon. Festus Adegoke*)—*Agreed to*.

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

Committee Recommendation:

Clause 26: Expenditure of the Agency.

The Agency may from time to time apply the proceeds of the accounts established under Clause 25 of this Act in the following manner-

- (a) all monies accruing to the Agency under Section 25 (a) shall be applied to all but not limited to the following-
 - (i) the cost of the administration of the Agency,
 - (ii) the payment of emoluments, allowances, benefits and expenses of the Board members provided that in the case of expenses, such expenses were expressly authorized by the board,
 - (iii) the payment of salaries, fees, pensions, gratuities or other benefits payable to the employees of the Agency, provided that such employees are not in receipt of any emolument from the Government of the federation or a state. However the Board may expressly authorize payments under this paragraph irrespective of the proviso above,
 - (iv) for the development and maintenance of the property vested in or owned by the Agency,
 - (v) for maintaining general financial reserves subject to general or specific directives that may be given by the Minister in accordance with the provisions of this Act;
- (b) all monies accruing to the Agency under Section 25 (b) shall be applied for the purposes which such gifts, loans, grants-in-aid were made;
- (c) all monies accruing to the Agency under Section 25 (c) and (d) shall be remitted to the treasury of the Federal Government;
- (d) for and in connection with all or any of the functions under this Act (*Hon. Festus Adegoke*)—*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 Agency shall, not later than 30th September in each year, submit to the Minister an estimate of its expenditure and income (including payments to the Agency fund) for the next succeeding year.
- (2) The Agency shall keep proper accounts in respect of each year and proper records in relation to those accounts in respect and shall cause its accounts to be audited within six months after the end of each year by auditors appointment from the list and in accordance with the guidelines supplied by the : Auditor-General of the Federation (*Hon. Festus Adegoke*)—*Agreed to*.

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

Committee Recommendation:

Clause 28: Annual reports.

- (1) The Agency shall prepare and submit to the Minister not later than 30th June in each year a report in such form as the Minister may direct on the activities of the Agency during the immediate preceding year, and shall include in the report a copy of the audited accounts of the Agency for that year and of the auditor's report thereon.
- (2) The Minister shall cause a copy of the report and the auditors report thereon to be submitted to the President so soon after the receipt thereof (*Hon. Festus Adegoke*)—*Agreed to.*

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

Committee Recommendation:

Clause 29: Power to accept gifts.

- (1) The Agency may accept 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 Agency shall not accept any gift if the conditions attached by the person or organisation making the gift are inconsistent with the objectives of the Agency under this Act and Anti-Corruption Acts (*Hon. Festus Adegoke*)—*Agreed to.*

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

Committee Recommendation:

Clause 30: Investments. Cap. 449 LFN.

The Agency may, subject to the provisions of this Act and the conditions of any trust created in respect of any property, invest all or any of its funds in any security prescribed by the Trustee Investments Act or in such other securities as may, from time to time, be approved by the Minister (*Hon. Festus Adegoke*)—*Agreed to.*

Question that the provision in Clause 30 be deleted, put and agreed to.

Committee Recommendation:

Clause 31: Exemption from tax.—Delete

- (1) The Agency shall be exempted from the payment of income tax on any income accruing from investments made by the Board of Trustees or the Agency or otherwise howsoever.
- (2) The provisions of any enactment relating to the taxation of companies or trust funds shall not apply to the Agency or the Board (*Hon. Festus Adegoke*)—*Agreed to.*

Question that the provisions in Clause 31 be deleted, put and agreed to.

PART VI—LEGAL PROCEEDINGS

Committee Recommendation:

Clause 32: Limitation of suits against the Agency, etc. Cap. 379 LFN.

- (1) Subject to the provisions of this Act, the provisions of the Public Officers Protection Act shall apply in relation to any suit instituted against any member or officer or employee of the Agency.
- (2) Notwithstanding anything contained in any other law or enactment, no suit against a member of the Board, the Director-General or any other officer or employee of the Board for any act done in pursuance or execution of this Act or any other law or enactment, or of any public duties or authority or in respect of any alleged neglect or default in the execution of this Act or any other law or enactment, duties or authority, shall lie or be instituted in any court unless it is commenced—
 - (a) within three months next after the act, neglect or default complained of;
or

- (b) in the case of a continuation of damage or injury, within six months next after the ceasing thereof.
- (3) No suit shall be commenced against a member of the Board, the Director-General or any other officer or employee of the Agency 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 Agency by the intending plaintiff or his agent.
- (4) The notice referred to in Subsection (3) of this section shall clearly and explicitly state—
 - (a) the cause of action;
 - (b) the particulars of the claim;
 - (c) the name and place of abode of the intending plaintiff; and
 - (d) the relief which he claims (*Hon. Festus Adegoke*)—Agreed to.

Question that the provisions in Clause 32 stand pan of the Bill, put and agreed to.

Committee Recommendation:

Clause 33: Service of documents.

A notice, summons or other document required or authorised to be served on the Agency 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 Agency (*Hon. Festus Adegoke*)—Agreed to.

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

Committee Recommendation:

Clause 34: Restriction on execution against property of the Agency.

Any sum of money which by the judgment of any court has been awarded against the Agency 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 Agency (*Hon. Festus Adegoke*)—Agreed to.

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

Committee Recommendation:

Clause 35: Indemnity.

A member of the Board, the Director-General or any officer or employee of the Agency shall be indemnified out of the assets of me Agency 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 Agency (*Hon. Festus Adegoke*)~Agreed to.

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

PART VII—MISCELLANEOUS

Committee Recommendation:

Clause 36: Directives by the Minister, etc.

The Minister may give to the Agency or the Director-General such directives of a general nature or relating generally to matters of policy with regards to the exercise of its or his functions as he may consider necessary and it shall be the duty of the Agency or the Director- General to comply with the directives or cause them to be complied with (*Hon. Festus Adegoke*)—Agreed to.

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

Committee Recommendation:

Clause 37: Power to make regulations.

The Minister may, on the advise of the Board, make such regulations as in his opinion are necessary or expedient for giving full effect to the provisions of this Act and for the due administration of its provisions (*Hon. Festus Adegoke*)—Agreed to.

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

Committee Recommendation:

Clause 3\$: Interpretation.
In this Act, unless the context otherwise requires—

"Agency" means the National Information Technology Development Agency established under Section 2 of this Act; (*Hon. Festus Adegoke*).

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

"Board" means the Governing Board of the Agency established under Section 3 of this Act; (*Hon. Festus Adegoke*).

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

"computer" means any electronic magnetic, optical or other high-speed data processing device or system which performs logical, arithmetic, and memory functions by manipulations of electronic, magnetic or optical impulses, and includes all input, output, processing, storage, computer software, or communication facilities which are connected or related to the computer in a computer system or computer network; (*Hon. Festus Adegoke*).

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

"computer network" means the interconnection of one or more computer's through—

- (a) the use of cable, satellite, microwave, terrestrial line or other communication media, and
- (b) terminals or a complex consisting of two or more interconnected computers whether or not the interconnection is continuously maintained; (*Hon. Festus Adegoke*).

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

"computer resource" includes computer, computer system, computer network, data, computer data base and software; (*Hon. Festus Adegoke*).

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

"computer system" means a device or collection of devices, including input and output support devices and excluding calculators which are not programmable and capable of being used in conjunction with external files, which contain computer programmes, electronic instructions, input data and output data, mat performs logic arithmetic, data storage and retrieval, communication control and other functions; (*Hon. Festus Adegoke*).

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

"data" means a representation of information, knowledge, facts, concepts or instruction which are being prepared or have been prepared in a formalised manner, and is intended to be processed, is being processed or has been processed in a computer system or computer network, and may be on in any form (including computer printouts magnetic or optical storage media punched cards, punched tapes) or stored internally in the memory of the computers; (*Hon. Festus Adegoke*).

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

"Director-General" means the Director-General of the Agency appointed under Section 9 of this Act; (*Hon. Festus Adegoke*).

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

"electronic form" with reference to information means any information generated, sent, received or stored in media, magnetic, optical, computer memory, micro film, computer generated, micro fiche or similar device; (*Hon. Festus Adegoke*).

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

"electronic record" means data, record or data generated, image or sound stored, received or sent in an electronic for or micro film or computer generated micro fiche; (*Hon. Festus Adegoke*).

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

"Government" means the Federal Government of Nigeria; (*Hon. Festus Adegoke*).

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

"information technology" includes information and communication technology; (*Hon. Festus Adegoke*).

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

"Minister" means the Minister charged with the responsibility with matters relating to science and technology (*Hon. Festus Adegoke*).

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

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

Committee Recommendation;

Clause 39: Citation.

This Act may be cited as the National Information Technology Development Agency Bill, 2005 (*Hon. Festus Adegoke*)—*Agreed to.*

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

SCHEDULES

FIRST SCHEDULE

Section 3 (3)

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

Proceedings of the Board

Cap. 192 LFN.

- I Subject to this Act and 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 person presiding at any meeting, when a vote is ordered, to have a second or casting vote), the Board may make standing orders regulating its proceedings or that of any of its committees.
2. At every meeting of the Board, the Chairman shall preside and in his absence the members present at that meeting shall appoint one of their number to preside at that meeting.
3. The quorum at a meeting of the Board shall be not less than one-third of the total number of the Board at the date of the meeting.
4. The Board shall for the purposes of this Act, meet not less than four times in each year and subject, thereto, the Board shall meet whenever it is summoned by the Chairman, and if required to do so, by notice given to him by not less than four other members, he shall summon a meeting of the Board to be held within fourteen days from the date on which the notice is given.

5. Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him to the Board for such period as it thinks fit, but a person who is a member by virtue of this paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.

Committees

6. (1) Subject to its standing orders, the Board may appoint such number of standing or ad hoc committees as it thinks fit to consider and report on any matter with which the Board is concerned.
- (2) A. committee appointed under this paragraph shall—
- (a) consist of such number of persons (not necessarily members of the Board as may be determined by the Board), and a person, other than a member of the Board, shall hold office on the committee in accordance with the terms of his appointment; and
- (b) be presided over by a member of the Board.
- (3) The quorum of any committee set up by the Board shall be as may be determined by the Board.
- (4) A decision of a committee of the Board shall be of no effect until it is confirmed by the Board.

Miscellaneous

7. The fixing of the seal of the Agency shall be authenticated by the signature of the Chairman or any other person generally or specifically authorised by the Board to act for that purpose and that of the Director-General.
8. Any contract or instrument which, if made by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Board by the Director-General or any other person generally or specifically authorised by the Board to act for that purpose.
9. Any document purporting to be contract, instrument or other document duly signed or sealed on behalf of the Agency shall be received in evidence and shall, unless the contrary is proved, be presumed without further proof to have been so signed or sealed.
10. The validity of any proceedings of the Board or of any of its committees shall not be affected by—
- (a) any vacancy in the membership of the Board, or committee; or
- (b) any defect in the appointment of a member of the Board or committee; or
- (c) reason that any person not entitled to do so took part in the proceedings of the Board or committee.
11. A member of the Board or a committee who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Board or committee shall forthwith disclose his interest to the Board or committee and shall not vote on any question relating to the contract or arrangement.
12. No member of the Board shall be personally liable for any act or omission done or made in good faith while engaged in the business of the Board (*Hon. Festus Adegoke*)~Agreed to.

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

SECOND SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE SUPERVISION OF THE MANAGEMENT OF THE COUNTRY CODE TOP LEVEL DOMAIN (.ng) ON THE INTERNET

1. Subject to the provisions of this Act, the Agency shall advise the Federal Government generally on matters and issues that are related to the management and administration of Nigeria's country code top level domain (.ng).

2. The Agency shall—
- (1) have supervisory authority over any organization incorporated under the laws of Nigeria to manage and administer Nigeria's country code top level domain (.ng). including, but not limited to the following manner—
- (a) approve the constitution of the management of any such organization created to carry out the acts mentioned in S.2(1) of this Schedule;
 - (b) lay down standards which shall ensure that the membership of the organization, when viewed collectively, is broadly representative of the stakeholders of the ICT community in the country;
 - (c) outline an operational rule for the organization which shall include but not limited to the following—
 - (i) the creation of any departments of the organization to perform specialized functions;
 - (ii) the establishment and functioning of committees, including a management board;
 - (iii) the preparation by me organization of an annual business plan in terms of which the activities of the organization are planned annually;
 - (iv) the banking and investment of funds by the organization;
 - (v) provisions to regulate the manner in which, and procedures whereby, expertise from any person outside the organization is obtained in order to further the objects of the organization;
 - (vi) the determination through arbitration of any dispute concerning the interpretation of the memorandum and articles of association of the organization;
 - (vii) the procedures and criteria for the establishment and disestablishment of second level domains and for delegations to such domains;
 - (ix) the domain name dispute resolution and related appeal mechanisms;
 - (x) criteria for the qualification of and appointment of Domain Name Registrars and Domain Name Hosts;
 - (xi) the method of determining the allowances to be paid to directors.
3. The Agency shall ensure that the activities of the organization comply with international best practice in the administration of country code top level domain.
4. The Agency may conduct investigations into the manner in which the Nigeria's country code top level domain (.ng) is administered at its discretion.
5. The Agency shall ensure that the Nigeria's country code top level domain (.ng) is managed in the best interest of the Internet community in Nigeria.
6. The organization shall submit to the Agency, a report on the accounts of the organization reflecting the income and expenditure of the organization and a balance sheet of the assets and liabilities of the organization as at the end of every financial year, not later than three months after the end of that financial year.
7. As soon as practicable after the end of e very financial year, the organization must submit a report on its activities during that year to the Agency (*Hon. Festus Adegoke*)—*Agreed to.*

Question that the provisions in the Second 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, considered the Report of the Joint Committee on Science and Technology, Information and Justice on a Bill for an Act to Provide for the Establishment of the National Information Technology Development Agency; and for Matters Connected Therewith, 2005 and approved Clauses 1 -17, deleted Clause 18, approved Clauses 19-29, deleted Clauses 30 - 31, approved Clauses 32 - 39 and the First and Second Schedules.

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

14. Adjournment:

The this House do now adjourn till Thursday, 2 June, 2005 at 10.00 a.m. (*Hon. Gilbert Nnaji*).

Adjourned accordingly at 4.12 p.m.

Austin Opara
Deputy Speaker