FOURTH REPUBLIC
3RD NATIONAL ASSEMBLY
SECOND SESSION
NO. 72

HOUSE OF REPRESENTATIVES
FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 10 February, 2009

1. The House met at 10.30 a.m. Mr Speaker read Prayers.

2. **Votes and Proceedings:**
Mr Speaker announced that he had examined and approved the Votes and Proceedings of Thursday, 5 February, 2009.

By unanimous consent, the Votes and Proceedings was adopted.

3. **Announcements:**
(a) ***Communication:***
Mr Speaker read a letter from the Governor of Benue State, Hon. Gabriel Torwua Suswan:

GOVERNMENT OF BENUE STATE
NIGERIA

OFFICE OF THE GOVERNOR
P. M. B 102065, MAKURDI

Phone: 044-532584
Fax: 044-532564

9th February, 2009

The Speaker,
House of Representatives,
National Assembly
Three Arms Zone,
Abuja.

My Dear Speaker,

CLARIFICATIONS OVER MISLEADING MEDIA REPORTS OF MY PUBLIC COMMENTS ON THE HOUSE OF REPRESENTATIVES

It is with the highest sense of responsibility and utmost respect for the National Assembly in general and the House of Representatives in particular, that I write to clarify some reports attributed to me by a section of the Nigerian media which contained statements critical of the House of Representatives and the Honourable Members.

A section of the media had in the reportage of the 14th Convocation Lecture of the University of Abuja, delivered by your respectful self under my Chairmanship on Thursday, February 5, 2009, slanted their reports in the manner that portrayed me to have joined issues with the Guest Lecturer in the person of your good self, Mr Speaker; disparaged the Federal Legislature and by extension the elected representatives as people who are "immature" and "incapable" of discharging their duties and responsibilities as voices of the Nigerian people.

The misrepresentation of my views and comments at the said occasion as contained in the media reports have apparently embarrassed you and other Honourable Members going by the reactions and comments of some Members already published in some National Newspapers.

As a former member of the House of Representatives(1999-2007) and an elected Governor who is partnering with the Legislature in the governance of my State, I hold the legislature in general and the House of Representatives in particular, in the highest esteem and would NOT under any circumstance make utterances capable of denigrating the legislature.

It is as a result of the foregoing therefore, that I wish to make the following clarifications:

1. *As Chairman of the Convocation Lecture, my comments at the occasion were first and foremost a summary of the lecture itself titled: "The Role of the Legislature in the Consolidation of Democracy In Nigeria" - a traditional function usually performed by Chairmen of such intellectual sessions in an academic community.*

2. *In the analysis of the performance of the three arms of government, I merely regretted that the Legislature in Nigeria is not as advanced as the other two arms (Executive and Judiciary) because it was always the victim whenever the country experienced a coup d'etat, while the other two continued to function even under dictatorships thereby acquiring more experience and capacity.*

3. *While supporting the Honourable Speaker's position on the need for financial . autonomy for the Legislature in order to improve its performance as was the case with the Judiciary, I emphasised that one other way to enhance its performance was to raise the minimum qualification for membership of the House to a University Degree or its equivalent. In this regard therefore, I said the on-going effort at reviewing the nation's constitution provided a rare opportunity for this to be achieved. This position, Mr. Speaker, was not directed at the present membership of the House but those who might wish to seek election to serve the nation in that capacity in the future.*

4. *In my brief remarks also, I commended the Honourable Speaker's Paper which he presented through Hon. Sada Soli, Chairman of the House Committee on Inter-Parliamentary Affairs but noted that the Lecture should have dwelt more on the performance of the House with details on the Bills and Motions passed, the numerous special assignments carried out by the House to address matters of national significance etc. This was rather an intellectual exercise to benefit the audience most of which was drawn from the academic community and to further enrich the Lecture. I didn't embark on a critique of the House neither did I set out to join issues with the Honourable Speaker who was the Guest Lecturer as the media reports tended to suggest.*

5. *In clear terms, I never in any way lampooned or castigated the House of Representatives, the Honourable Speaker and the Members as reported in the media since there was no basis for that.*

6. *In the light of the above therefore, I wish to request Mr Speaker to please use his good offices to convey my clarifications to the Honourable Members of the House in order to set the records straight and also calm the nerves that might have been unnecessarily frayed as a result of the sensational and obviously misleading reports from the section of the media.*

In conclusion, I wish to assure Mr. Speaker of my support and continued respect for the House of Representatives and indeed the entire Nigerian Legislature.

I am deeply nostalgic about my previous experience as a Member of the House of Representatives and as such would cherish another opportunity to be part of the legislative arm once again in the service of our Fatherland.

Please accept, once again, Mr Speaker, assurances of my highest esteem and very best wishes.

(Signed)

Rt. Hon. Gabriel Torwua Suswam
Executive Governor

(b) ***Visitors:***
Mr Speaker recognized the presence in the Gallery of, Teachers and Students of the following schools:

(*i*) Government Secondary School, Garki, Abuja;

(*ii*) Citadel Secondary School, Ikare-Akoko, Ondo State.

4. Petitions:
The following petition was received and referred to the Committee on Public Petitions:

Hon. Garba Abdullahi Bagudo (*Bagudo/Suru Federal Constituency*), from Fatima Tijjani Mohammed, praying the House to investigate the circumstances surrounding the death of Tijjani Mohammed following the injuries sustained from the beating by men of the Nigeria Immigration Service in Abuja.

5. Matter of Urgent Public Importance:
Citing Order VIII, Rule 4 (1) and (2), Hon. Bassey Otu, drew the attention of the House to the fact that in spite of the efforts of the Joint Task Force at the Niger Delta region, nefarious activities of bunkering, piracy, oil theft and other vices continued. He stressed the danger of these unlawful activities to the nation's economy and the attendant negative environmental consequences. He therefore urged the House to consider it as a matter of Urgent Public Importance.

Question that the matter be considered as one of urgent public importance, put and agreed to.

Matter to stand over to the next Legislative Day.

6. Presentation of Bills:
(*i*) Anti-Profiteering Bill, 2009 — *Read the First Time.*

(*ii*) Telecommunications (Equity) Bill, 2009 — *Read the First Time.*

(*iii*) National Commission for Intergovernmental Relations and Federalism (Establishment, etc.), 2009 — *Read the First Time.*

(*iv*) Emergency Communication Bill, 2009 — *Read the First Time.*

7. Presentation of Report:
Committees on Federal Capital Territory, Federal Capital Territory Area Councils, Finance and Appropriations:

Order read; deferred.

8. Consideration of Reports:
(a) ***Committee on Agriculture:***
Motion made and Question proposed, "That this House do consider the Report of the House Committee on Agriculture on a Bill for an Act to Regulate the Practice and to Make Provisions for the Animal Health Technologist Regulation Council of Nigeria and for Other Matters Connected Therewith, 2008 and approve the Recommendations therein (HB. 19)" (*Hon. Gbenga Makanjuola*).

Question put and agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO REGULATE THE PRACTICE AND TO MAKE PROVISIONS FOR THE ANIMAL HEALTH TECHNOLOGIST REGULATION COUNCIL OF NIGERIA AND FOR OTHER MATTERS CONNECTED THEREWITH

PART I — ANIMAL HEALTH PRACTITIONERS REGISTRATION COUNCIL OF NIGERIA.

Committee Recommendation:

Clause 1: **Establishment of the Animal Health Practitioners Registration Council of Nigeria.**
There is hereby established for Animal Health Practitioners a body to be known as the Animal Health PrBillitioners Registration Council of Nigeria. (hereinafter in the Bill referred to as "the Council") which shall be charged with the duty of —

(*a*) determining what standards of knowledge and skill are to be attained by persons seeking to become members of the profession and to improve those standards from time to time as Circumstances may permit;

(*b*) Securing in accordance with the provisions of this Bill, the establishment and maintenance of a register of persons registered under this Bill as members of the profession and the publication from time of lists of those persons.

(*c*) conducting examinations in the profession and awarding certificates or diploma to successful candidates as appropriate; and for such purpose, the Council shall prescribe fees to be paid in respect thereof and

(*d*) performing any other functions conferred on the Council by this Bill (*Hon. Gbenga Makanjuola*) — *Agreed to.*

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

Committee Recommendation:

Clause 2: **Membership of the Council.**

(1) The Council shall comprise —

(*a*) a Chairman who shall be an Animal Health Practitioners and has been so qualified for not less than twelve years;

(*b*) two Animal Health Practitioners to represent the Nigeria Association of Animal Health Practitioners who shall be the National President and National Secretary of the Association;

(*c*) six Technologists to represent the six geopolitical zones of the Federation on rotation for three years at a time;

(*d*) one representative from the Federal Ministry of Agriculture; a representative of the Veterinary Council of Nigeria;

(*e*) one representative from NBTE;

(*f*) one representative from the Ministry of Health;

(*g*) one Technologists to represent schools involved in training members of the profession on rotation for three years at a time.

(2) All appointments in this section shall be made by the Minister on the recommendation of the Council of trustees via election.

(3) The provisions of schedule 1 to this Bill shall have effect with respect to the matters therein mentioned (*Hon. Gbenga Makanjuola*) — *Agreed to.*

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

Committee Recommendation:

Clause 3: Power of the Council.

(1) Subject to subsection (2) of this section and to any direction of the Minister under this Bill, the Council shall have powers to do anything which in its opinion is calculated to facilitate the carrying out of its activities under this Bill.

(2) The Council shall not have power to borrow or to dispose of any property except with The prior consent of the minister and shall not have power to pay remuneration (including pensions), allowances or expenses to any employees of the Council or any other person except in accordance with the scales that obtain in the Federal Public Service (*Hon. Gbenga Makanjuola*) — *Agreed to.*

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

Committee Recommendation:

Clause 4: Fund of the Council.

(1) The fund of the Council shall consist of —

(*a*) all fees and other monies payable to the Council in pursuance of this Bill; and

(*b*) such moneys as may be payable to the Council, whether in the course of the discharge of its functions or otherwise.

(2) There shall be paid out of the fund of the Council —

(*a*) the remuneration and allowances of the Registrar and other employees of the Council:

(*b*) such reasonable traveling and subsistence allowances of "members of the Council in respect of the time spent on the business of the Council as the Council may, with the approval of the minister, determine: and

(*c*) any other expenses incurred by the Council in the discharge of its functions under this Bill (*Hon. Gbenga Makanjuola*) — *Agreed to.*

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

Committee Recommendation:

Clause 5: Financial provision.

(1) The Council shall prepare and submit to the minister not later than the 30th day of June of the year in which this Bill comes into force (so however that the Minister may, if he considers it necessary, extend the period) and of each subsequent year, an estimate of its incomes and expenditure during the next succeeding financial year.

(2) The Council shall keep proper accounts in respect of each financial year and prepare records in relation to those accounts and shall cause its accounts to be audited within 6 months after the end of each financial year to which the accounts relate (*Hon. Gbenga Makanjuola*) — *Agreed to.*

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

Committee Recommendation:

Clause 6: Control of the Council by the Minister.

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 function and it shall be the duty of the Council to comply with the directions (*Hon. Gbenga Makanjuola*) — *Agreed to.*

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

Committee Recommendation:

Clause 7: Registrar and staff of the Council.

(1) There shall on the recommendation of the Council be appointed as a registrar of the Council a fit person who shall be an Animal Health Practitioners in the employment of the public service of the Federation and who has been qualified as an Animal Health Practitioners practitioner for not less than twelve years.

(2) The registrar shall, in addition to his other functions under this Bill be the Secretary to the Council and shall on the instruction of the Chairman of the Council or any Committee of the Council convene and keep minutes of the proceeding at all meeting of the Council and committees therefore, as the case may be.

(3) The Council may appoint such other persons to be employees of the Council as the Council may determine, to assist the registrar in the excise of his functions under this Bill.

(4) The Council may, whenever the registrar is absent or for another reason is unable to discharge the function of his office appoint an acting registrar to discharge his functions.

(5) The Registrar and other staff of the Council shall hold office on such conditions as the Council may with the approval of the Minister determine (*Hon. Gbenga Makanjuola*).

Amendment Proposed:

Leave out all the words in Subclause (1) and *insert* the following instead thereof:
"On the recommendation of the Council, there shall be appointed a Registrar, a fit and proper person who shall be an Animal Health Technologist in the employment of the Public Service of the Federation and who shall have been qualified as a practitioner for not less than twelve years" (*Hon. Friday Itulah*).

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

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

PART II — REGISTRATION

Committee Recommendation:

Clause 8: Registration of Animal Health Technologists.

(1) It shall be the duty of the registrar to prepare and maintain, in accordance with the rules made by the board under this section, a register of the names, addresses, approved qualifications and of such other particulars as may be specified of all persons who are entitled in accordance with the provisions of the Bill to be registered as Animal Health Practitioners who by compulsion in the specified manner to be so registered

(2) Subject to the following provision of this section, the Council shall make rules with respect to the form and keeping of the registers and the making of entries therein, and in particular —

(*a*) regulating the making of application for registration and providing for the evidence to be produced in support of application;

(*b*) providing for the notification to the registrar by the person to whom any registered particulars relate, of any charge in those particulars;

(*c*) authorizing a registered person to have any qualification which is, in relation to the profession, whether an approved qualification or accepted qualification for the purposes of section 10 (2) of this Bill, 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 to be paid the Council in respect of the entry names on the register and authorizing the registrar to refuse to enter a name on the register until any fees specified for entry has been paid, but rules made for the purposes of paragraph (*d*) of this subsection shall not come into force until they are confirmed at a meeting of the Council.

(3) It shall be the duty of the Registrar —

(*a*) to correct in accordance with the directions of the Council, any entry in the register which the Council directs him to correct as being in the opinion of the Council an entry which was incorrectly made;

(*b*) to make from time to time any necessary alterations to the registered particulars of registered persons;

(*c*) to remove from his register the name of any registered person who has died or has become insane, or for any other reason ceased to be a member of the profession.

(4) If the Registrar —

(*a*) sends by post to any registered person a registered letter addressed to him at his address in the register enquiring whether the registered particulars relating to him are correct and receives no reply to that letter within three month from the date of posting it: and

(*b*) upon the expiration of that period sends in like manner to the person in question a second letter and receives no reply to that letter within three months tram the date of posting it. the Registrar may remove the particulars relating to the person from the register, but the Council may direct the Registrar to restore to the register am particulars removed there from under this subsection (*Hon. Gbenga Makanjuola*) — *Agreed to.*

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

Committee Recommendation:

Clause 9: Publication of the Registrar 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 (two years form the beginning of the year in which this Bill comes into force;

(*b*) in each year after that in which a register is first published under paragraph (*a*) of this subsection, to cause to be printed. published and put on sale as aforesaid either a corrected edition of the register or a list of alterations made to each register since it was last printed; and

(*c*) to cause a print of each edition of the register and of each list of corrections to be deposited at the principal office or the Council, and it shall be the duty of the Council to keep each register and lists so deposited open at all reasonable time for inspection by members of the public.

(2) A document purporting to be a print of an edition of a register published under this section by authority of the Registrar in the current year or documents purporting to be prints of an edition of a register so published in the current year, 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 and that any person not so specified is not so registered (*Hon. Gbenga Makanjuola*) — *Agreed to.*

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

Committee Recommendation:

Clause 10: Registration as Animal Health Practitioners.

(1) Subject to section 21 of this Bill and to rules made under section 8 (2) of this Bill, a person shall be entitled to be registered under this Bill and being so registered to receive a registration certificate if —

(*a*) he has attended a course of training approved by the Council under section 12 of this Bill

(*b*) the Course was conducted at an Institution so approved or partly at one such Institution and partly at another,

(*c*) he holds one or more qualification prescribed in schedule 3 to this Bill for the purpose of registration on the register and has complied with the other requirements prescribed under section 8 (2) of this Bill: and

(*d*) he pays any prescribed fees.

(2) subject to section 2 of this Bill and to rules made under section 8 (2) of this Bill, a person shall also be entitled to be registered under this Bill with the Council registration requirement and being so Registered to receive a registration certificate if he satisfies the Council —

(*a*) that he holds a qualification granted outside Nigeria for the time being accepted by the Board for the purposes of this subsection in respect to the profession;

(*b*) that in the country in which the qualification was granted he was under no legal disability in the practice of the profession;

(*c*) that he is of good character;

(*d*) that he has paid any prescribed fees; and

(*e*) the Council shall from time to time publish in the Gazette particulars of the qualifications for the time being accepted as aforesaid

(4) The qualifications specified in schedule 3 to this Bill are those accepted for the time being by the Council as the minimum qualification for the purpose of registration on the register maintained under section 8 (1) of this Bill (*Hon. Gbenga Makanjuola*) — *Agreed to.*

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

Committee Recommendation:

Clause 11: Temporary Registration.

(1) Subject to section 10 of this Bill, a person shall be entitled to be temporarily registered under the Bill in cases specified in sub-section (2) of this section.

(2) Where a person satisfies the Council —

(*a*) that he has been selected for employment for a specified period in a capacity in which a registered person under this Bill would normally be employed and that he is or intends to be in Nigeria temporarily for the purpose of serving for that period in the employment in question; and

(*b*) that he holds or has passed examinations necessary for obtaining same qualification granted outside Nigeria which is for the time being accepted by the Council for the purpose of this section as respects the capacity in which, if employed, he is to serve; and

(*c*) he pays any fees prescribed for registration, the Council may, if it thinks fit, give a direction that he shall be temporarily registered.

(3) The temporary registration of a person shall continue only while he is in such employment as is mentioned in subsection (2) (*a*) of this section and shall cease —

(*a*) on the termination of the period of the employment specified to the Council under that sub section: or

(*b*) on (he termination of the said employment before the end of that period, whichever first occurs.

(4) Nothing in subsection (3) of this section shall preclude the Council from giving a further direction under subsection (2) of this section in respect of a specified period, the commencement of which coincides with the termination of another such period.

(5) A person who is temporarily registered shall, in relation to the employment mentioned under subsection (2) (*a*) of this section, and to things done or omitted to be done in the course of that employment, be deemed to be fully registered but in respect of other matters he shall be treated as not so registered.

(6) In case: of doubt as to whether a person's employment has been terminated, the decision of the Council shall be conclusive for the purpose of subsection (3) of this section.

(7) The registrar, as directed from time to time by the Council, shall remove from the register the name of any person ceasing to be entitled to benefit from this section (*Hon. Gbenga Makanjuola*) — *Agreed to.*

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

PART III — TRAINING

Committee Recommendation:

Clause 12: Approval of the courses.

(1) Subject to subsection (2) of this section, the Council may approve and for the purposes of section 10 of this Act —

(*a*) a course of training which is intended for persons seeking to become members of the profession under this Bill and which the Council considers is designed to confer on persons completing it sufficient knowledge and skill for the practice of the profession;

(*b*) any institution either in Nigeria or elsewhere, which the Council considers is properly organized and equipped for conducting the whole or any part of the course of training approved by the Council under this section, which include:

(*i*) Primary Animal Health Care Services;

(*ii*) Animal Public Health Care Services,

(*iii*) Clinical Duties,

(*iv*) Livestock Extension Services, and the following duties in Government and Private —

(1) Vaccination of Livestock, Poultry, Games and Pet Animals

(2) Meat inspection and abattoir management,

(3) Pest Control Services (through natural and artificial methods),

(4) Meat and fish processing operations,

(5) Dissemination of information on new innovation in animal health activities— the role of a liaison officer between the farmer and the researcher as change agent,

(6) Ranching operation as ranching technologists,

(7) Animal Health Drugs and Agro-allied Chemical Marketing,

(8) collection and processing of Animal specimen in diagnostic laboratories,

(9) security dog services as dog handlers and pets care services,

(10) Practical instructors in Universities and Research Institutes, Colleges, Farms and Laboratories,

(11) Animal investigation, trial experiments, Animal Breeding, Genetics and Artificial Insemination,

(12) Animal Disease Surveillance through control post and quarantine units,

(13) Farm managers in both Government and private units or holding,

(14) Policy implementation in Livestock and related projects in Government,

(15) Equestrian duties in mounted troops section of the police and armed forces,

(16) Feed formulation and animal by-products standardization,

(17) Animal management — maintenance of general hygiene in farms, abattoirs, meat conveyors,

(18) Minor surgery i.e. castration, docking, debeaking, lysing of abscess, clipping of claws, dehorning, trimming of hoof, ear setting and primary obstetrics,

(19) Pre and post surgery management;

(*b*) any qualification which as a result of the examination takes in conjunction with the 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 they have sufficient knowledge and skill to practice the profession to which the qualification relates.

(2) The Council shall from time to time publish in the Gazette a list of qualifications relating to the profession approved by it for the purposes of subsection (1) of this section.

(3) The Council may, if it thinks so, 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 persons in Nigeria appearing to the Council to be persons 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 representation with regard to the proposal; and

(*c*) take into consideration any representation made with regard to the proposal made in pursuance of paragraph (*b*) of this subsection.

(4) As respects any period during which, the approval given under this section for his course institution or qualification is withdrawn, the courses or qualification shall not be treated as approved under this section, but the withdrawal of such an approval shall not prejudice the registration or eligibility for registration of any person who by virtue of the approval was registered or eligible for registration immediately before the approval was withdrawn.

(5) The giving or withdrawal of an approval under this section shall have effect from such date, after the execution of the instrument signifying the giving or withdrawal of the approval, as the Council may specify in that instrument.

(6) The Council shall as soon as may be, publish a copy of every instrument executed under subsection (5) of this section in the Gazette and send a copy of the instrument to the Minister (*Hon. Gbenga Makanjuola*) — *Agreed to.*

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

Committee Recommendation:

Clause 13: 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 instruction and skill given at approved institutions to person attending course of training, and

(*c*) for the purpose or performing that duty, the Council may appoint, either from among its own members or otherwise, person to visit approved institutions or attend such examinations.

(2) It shall be the duty of a visitor appointed under this section to report to the board on —

(*a*) the course of study, staffing, accommodation and equipment available for training in Animal Health Practitioners and other arrangement and facilities for such training for any institutions visited by him;

(*b*) the sufficiency of the instructions given to persons attending approved courses of training at institutions visited by him;

(*c*) the sufficiency of examinations attended by him; and

(*d*) any other matter relating to the institutions or examinations on which the Council may, either generally or in a particular case request him to report but no visitor shall interfere with the giving of any instructions or the holding of any examination.

(3) On receiving a report made in pursuance of this section, the Council shall as soon as may be send a copy of the report to the person appearing to the Council to be in charge of the institution or responsible for the examinations to which the report relates requesting that person to make representations to the Council within such times as may be specified in the request, but not being more than one month beginning with the date of the request (*Hon. Gbenga Makanjuola*) — *Agreed to.*

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

Committee Recommendation:

Clause 14: Power of the Council to consider Matters relating to training.

(1) The Council may consider and if it thinks fit. report to the Minister upon all matters relating to the professional and technical training and other qualifications required for admission to the profession under this Bill and the conditions or practice after registration.

(2) The Minister may require the Council to advise him on any matter referred to in subsection (1) of this section (*Hon. Gbenga Makanjuola*) — *Agreed to.*

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

PART IV — DISCIPLINE

Committee Recommendation:

Clause 15: Establishment and composition of Disciplinary Committee and Investigating Panel.

(1) There is hereby established a disciplinary committee to be known as the Animal Health Practitioners Disciplinary Committee (hereinafter in this Bill referred to as "the Disciplinary Committee") which shall be charged with the duty of considering and determining any case referred to it by the panel established by the following provisions of this Bill.

(2) The Disciplinary Committee shall consist of the Chairman and six other members to be appointed by the Council including members holding office by virtue of paragraphs (*c*), (*d*) and (*e*) of subsection (1) of section 2 of this Bill.

(3) There is hereby established a body to be known as the investigating Panel (hereinafter in the Bill referred to as the "Panel") which shall be charged with the duty of —

(*a*) conducting preliminary investigation into any case where it is alleged that a registered person has misbehaved in his capacity as such, or should for any other reason be arraigned before the Disciplinary Committee; and

(*b*) deciding whether or not the case should be referred to the Disciplinary Committee.

(4) The Panel shall be appointed by the Council and shall consist of three members of the Council, one of whom shall he named as the Chairman of the panel and two members who are not members of Council.

(5) The provisions of Schedule 2 to this Bill shall so far as applicable to the Disciplinary Committee and the Panel respectively, have effect with respect to those before (*Hon. Gbenga Makanjuola*) — *Agreed to.*

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

PART V — MISCELLANEOUS

Committee Recommendation:

Clause 16: Penalties for unprofessional conduct.

(1) Where —

(*a*) a person registered under this Bill is convicted by a Court or Tribunal in Nigeria or elsewhere having power to award punishment for an offence (whether or not the offence is punishable with imprisonment) which in the opinion of the Disciplinary Committee is incompatible with the statute of .such registered person: or

(*b*) a registered person is judged by the Disciplinary Committee to be quality of infamous conduct in a professional respect: or

(*c*) the Disciplinary Committee is satisfied that the name of any person has been fraudulently registered, the Disciplinary Committee may give any of the directions specified in subsection (2) of the section.

(2) The Disciplinary Committee in pursuance of subsection (1) of this section may give a direction —

(*a*) ordering the Registrar to strike off the person's name from the register;

(*b*) suspending that person from practice for such period as may be specified in the direction.

(*c*) reprimanding that person;

(*d*) ordering the person to pay to the Council any cost of or incidental to the proceeding incurred by the Council; or

(*e*) cautioning that person and binding him over for a period not exceeding one year on one or more conditions as to his conduct during that period and any such directions may where appropriate, include provisions requiring the refund of moneys paid or the handing over of documents or any other provisions as the case may require

(3) In any inquiry under this section, any finding of fact which is shown to have been made in —

(*a*) any criminal proceeding in a court in Nigeria; or

(*b*) any civil proceedings in a court in Nigeria shall be conclusive evidence of the fact found.

(4) If after due inquiry the disciplinary committee is satisfied that during the period of binding over under paragraph (*e*) of subsection (2) of this section a person has not complied with the condition imposed there under the disciplinary committee may, if it thinks fit, impose anyone or more of the penalties mentioned in subparagraph (*a*), (*b*), (*c*) or (*d*) of that subsection.

(5) A certificate under the hand of the Chairman that any costs have been ordered to be paid by a person under this section shall be conclusive of that thereof (*Hon. Gbenga Makanjuola*) — *Agreed to.*

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

Committee Recommendation:

Clause 17: Offences.

(1) Unless otherwise exempted under this Bill, any person not being a fully registered Animal Health Technologist or being a fully registered Animal Health Practitioner allowing his license to expire so that payment to the prescribed fee is in arrears for more than two years, who —

(*a*) for or on expectation of reward practices or holds himself out as an Animal Health and Husbandry Technologists; or unless otherwise exempted under this Bill, any person not being a fully registered Animal Health Practitioners or being a fully registered Animal Health Practitioners and allowing his license to expire so that payment of the prescribed fee is in arrears for more than one year, who —

(*b*) takes or uses any letters alter his name to indicate qualification as an Animal Health Technologist; or

(*c*) without reasonable excuse takes or uses any name, title, addition or description implying that he is authorized by law to practice as an Animal Health Practitioners, shall be guilty of an offence.

(2) 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.

(3) If the registrar or any person employed by the Council willfully makes any falsification in any matter relating to the registration he shall be guilty of an offence.

(4) A person guilty of an offence under this section shall be liable —

(*a*) on summary conviction, to a fine not exceeding twenty-five thousand Naira

(*b*) on conviction or indictment, to a fine or imprisonment for a term not exceeding two years or to both.

(5) 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 is. 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 prosecuted against and punished accordingly (*Hon. Gbenga Makanjuola*).

Amendment Proposed:
In Subclause (1) of the original provision, immediately after the word "Technologist", *leave out* the words "or being a fully registered Animal Health Technologist" (*Hon. Ita Enang*).

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

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

Committee Recommendation:
Clause 18: Restoration of Registration.

(1) Where the name of a person has been struck out from the register in pursuance of a direction given under section 16 of this Bill, the Disciplinary Committee may, if it thinks fit, any time direct the restoration of the person's name to the register.

(2) Any application for the restoration of a name to a register shall not be made to the Disciplinary committee before the expiration of such period from the date of the striking off and where he has made an application, from the date of his last application) as may be specified in the direction.

(3) There shall be payable to the Council by any person on the restoration of his name to a register in pursuance of a direction given under this section the like fees as would be payable by that person on first becoming registered prior to the disciplinary action (*Hon. Gbenga Makanjuola*) — *Agreed to.*

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

Committee Recommendation:
Clause 19: Striking of entries from the Register on grounds of fraud or error.

(1) If it proved to the satisfaction of the Disciplinary Committee that any entry made in a register has been fraudulently or incorrectly made, the Disciplinary committee may direct that the entry shall be struck-off from the register.

(2) A person may be registered in pursuance of any provision of this Bill notwithstanding that his name has been struck oil in pursuance of a direction given under subsection (1) of this section if his name was struck off on the ground of fraud he shall not be registered except an application in that behalf is made to the Disciplinary Committee; and on any such application the Disciplinary Committee may, if it thinks tit Direct that he shall not be registered until the expiration of such periods as may be specified in the direction.

(3) Any reference in this Bill to the striking off from or the restoration to a register of the name of a person shall be constructed as including a reference to the striking off from or the restoration to the register of any other registerable particulars relating to that person (*Hon. Gbenga Makanjuola*) — *Agreed to.*

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

Clause 20: **Appeal to the Appeal Panel.**

(1) Where the Disciplinary Committee —

(*a*) make a finding and imposes a Penalty on a registered person under section 16 of this Bill; or

(*b*) rejects an application for restoration of a name to a register under section 18 of this Bill; or

(*c*) directs the striking off of an entry from a register under section 19 (1) of this Bill, the registrar shall give the person to whom the proceedings relate notice in writing therefore and such person may, within twenty-eight days from the date of service on him of the notice, appeal to the appeal panel.

(2) On any appeal under this section the Council shall be the Respondent.

(3) No direction for the striking off of the name of a registered person from a register under section 16 or 19 of this Act shall take effect until the expiration of the time for appealing or if an appeal is brought, until such time as the appeal is disposed of, withdrawn or struck-out for want of prosecution, as the case may be.

(4) The Appeal panel may on an appeal under this section —

(*a*) confirm, vary or set aside any finding of fact, impose penalty or direction given by the Disciplinary Committee;

(*b*) confirm the rejection of the Disciplinary committee for further consideration; or

(*c*) remit the matter to the Disciplinary Committee for further consideration; or.

(*d*) make such other order as to cost or otherwise as it may deem fit but no proceedings before the Disciplinary Committee shall be set aside by reason only of informality or technicalities in those proceedings which did not embarrass or prejudice the Appellant.

Committee Recommendation:
Leave out all the provisions in Clause 20 (*Hon. Gbenga Makanjuola*).

Amendment Proposed:
Retain all the provisions in Clause 20 (*Hon. Leo Ogor*).

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

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

PART VI — SUPPLEMENTARY PROVISION.

Clause 21: **Regulations, Rules and Orders.**
Any power to make regulations, rules or order conferred by this Bill shall include power —

(*a*) to make provision for such incidental and supplementary matters as the authority making the instrument considers expedient for the purpose of the instrument; and

(*b*) to prescribe membership fees in such amount as the Minister may from time to time, approve; and

(*c*) to make different provision for differed circumstance (*Hon. Gbenga Makanjuola*).

Amendment Proposed:
In subparagraph (*b*), *leave out* the word "Minister" and *insert* the Word "Council" instead thereof (*Hon. Leo Ogor*).

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

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

Clause 22: **Interpretations.**
In this Bill unless the otherwise requires —

"accepted qualification" means a degree, diploma or other certificate specified in schedule 3 of this Act (*Hon. Gbenga Makanjuola*) — *Agreed to.*

Question that the meaning of the words "accepted qualification" be as defined in the interpretation to this Bill, put and agreed to.

"Council" means the Animal Health Practitioners Registration Council of Nigeria established under section 1 of this Bill (*Hon. Gbenga Makanjuola*) — *Agreed to.*

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

"member" means member of the Council and include the Chairman (*Hon. Gbenga Makanjuola*) — *Agreed to.*

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

"Minister" means the Minister charged with responsibly for matters relating Agriculture (*Hon. Gbenga Makanjuola*) — *Agreed to.*

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

"profession" means the Animal Health Technology (*Hon. Gbenga Makanjuola*) — *Agreed to.*

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

"register" means a register maintained under section 8 of this Bill (*Hon. Gbenga Makanjuola*) — *Agreed to.*

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

"registrar" means the registrar of the Council appointed under section 7 of this Bill (*Hon. Gbenga Makanjuola*) — *Agreed to.*

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

"registration certificate" menus a registration certificate issued under section 10 of this Bill (*Hon. Gbenga Makanjuola*) — *Agreed to.*

Question that the meaning of the words "registration certificate" be as defined in the interpretation to this Bill, put and agreed to.

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

Committee Recommendation:

Clause 23: **Citation.**

This Bill may be cited as the Animal Health Practitioners (Registration, etc.) Bill, 2009 (*Hon. Gbenga Makanjuola*) — *Agreed to.*

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

SCHEDULE 1

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

1. (1) A person other than a person appointed under section 2 (1) (*e*), (*g*) and (*h*) of this Bill shall not be a member of the Council unless he is a citizen of Nigeria fully registered or in the case of the first members of the Council is eligible for registration as member of the profession.

(2) Where a member of the Council ceases to hold office before the date when his term of office would have expired by his affluxion of time the body or person by whom he was appointed or elected shall as soon as may be, appoint or, as the case may be elect a person to fill the vacancy for the residue of the term aforesaid, so however that the foregoing provisions of this paragraph shall not apply where a person holding office as a member of the Council ceases to hold office at a time when the residue of his term does not exceed one year.

2. (1) Subject to the provision of this Paragraph a member of the Council other than a public officer, shall hold office for a period of three years form the date of his appointment and shall be eligible for re-appointment for a further period of three years; thereafter he shall no longer be eligible for re-appointment.

(2) A member of the Council, other than a public officer, may resign his/her appointment by a letter addressed to the minister and the resignation shall take effect from the date of the receipt of the letter by the Minister.

(3) The Minister may appoint any person who is a registered Animal Health Practitioners to be a temporary member during a long absence or temporary incapacity by illness of any member, and that person may while the appointment subsists; exercise the functions of a member under this Bill.

(4) The foregoing provisions of this section shall be without prejudice to the provisions of section 11 of the Interpretation Act, 1964 which relates to appointments.

Proceeding of the Council.

3. The Council may make standing order regulating the proceeding of the Council or of any committee thereof or, in the absence of the Chairman elect a temporary vice-chairman who shall be an Animal Health Practitioners and has been so qualified for not less than twelve years for the conduct of affairs of the Council.

4. The quorum of the Council shall be five and the quorum of any committee of the Council shall be as determined by the Council

5. At any time while the office of the Chairman is vacant or the chairman is in the opinion of the Council temporarily or permanently unable to perform the function of his office the vice-Chairman shall perform those function and references in this schedule to the Chairman shall be construed accordingly.

6. (1) Subject to the provisions of any applicable standing orders, the Council shall meet whenever summoned by the Chairman and if the Chairman is required so to do by notice to him by not less than six other members, he shall .summon a meeting of the Council to be held within twenty one 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 member to preside at that meeting.

(3) Where the Council wishes to obtain the advice of any person in a particular matter, the Council may co-opt him as a member for such period as it thinks fit, but a person who as 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.

7. (1) The Council may appoint one or more committees to carry out on behalf of the Council, such of its functions as the Council may determine.

(2) A committee appointed under this paragraph shall consist of the number of persons determined by the Council and not more than one-third of those persons 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 instrument by which he/she is appointed.

(3) A decision of a committee of the Council shall be of no effect until is confirmed by the Council.

8. (1) The fixing of the seal of the Council shall be authenticated by the signature of the Chairman or of some other member authorized 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 by any person generally or specially authorized to act for that purpose by the Council (*Hon. Gbenga Makanjuola*) — *Agreed to.*

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

SCHEDULE 2

Section 15 (5)

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY COMMITTEE AND THE INVESTIGATING PANEL

The Disciplinary Committee

1. (1) The Attorney-General of the Federation shall make rules as to the procedure to be followed, and the rules of evidence to be observed in proceeding before the Disciplinary Committee.

(2) The rules shall in particular provide —

(*a*) for securing that notice of 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 proceeding;

(*c*) for securing that any party to the proceedings shall if he requires, be entitled to be heard by the Disciplinary Committee;

(*d*) for enabling any party to the proceedings to be represented by a legal practitioner;

(*e*) subject to the provisions of section 6 (2) (*d*) of this Bill, as to the costs to proceedings 3 before the Disciplinary Committee;

(*f*) for requiring, in a ease 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 committee finds that the allegations has not been proved it shall record a finding that the person is not guilty of such conduct in respect of the matter to which the allegation relates;

(*g*) for publishing in the Gazette the notice of any direction of the Disciplinary Committee which has taken effect providing that a person's name shall be erased from the register;

2. (1) For the purpose of advising the Disciplinary Committee on questions of law arising in proceedings before it, there shall in all such proceedings be an assessor to the Disciplinary Committee who shall be appointed by the Council on the recommendations 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 Committee on any question of Law as to evidence, procedure or any other matter specified by the rules, he shall do so in the presence of every party or person representing a party in the proceedings who appears thereat or, if the advice is tendered while the Disciplinary Committee is deliberating in private, that every such party or person as aforesaid shall be informed as to what advice the assessor has rendered;

(*b*) that every party or person as aforesaid shall be informed if in any case the Disciplinary Committee 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 instrument by which he is appointed.

3. The quorum at any meeting of the Disciplinary committee shall be three.

4. At any meeting of the Disciplinary Committee, the Chairman of the Council shall preside and in his absence the members present shall appoint one of their member to 5. preside at that meeting.

5. Any question proposed for decision by the Disciplinary Committee shall be determined by majority of the members present and voting at a meeting of the Disciplinary Committee at which a quorum is formed

6. At all meetings of the Disciplinary committee, each member present shall have one vote on a question proposed for decision by the Disciplinary Committee and, in the event of an equality of votes, the Chairman shall in addition to a deliberation vote, have a casting vote.

7. For the purpose of any inquiry the Disciplinary Committee may hear and receive evidence and may under the hand of the Chairman or Registrar summon witness and require the production of any book, document or thing and may through the Registrar administer an oath to any witness.

8. The quorum of the panel shall be three.

The Panel.

9. (1) The Panel may at any meeting of it attended by not less than three members make standing order for its purpose.

(2) Subject to the provision of any such standing order the panel may regulate its own procedure.

Miscellaneous

10. (1) A person ceasing to be a member of the Disciplinary Committee or the panel shall be eligible for re-appointment as a member of that body.

(2) A person may be a member of both the Disciplinary Committee and the panel; but no person who has acted as a member of a panel with respect to any case shall act as a member of the Disciplinary Committee with respect to that case.

11. The Disciplinary committee or panel may act notwithstanding any vacancy in is 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 sub-paragraph (2) 9. of paragraph 10 of this Schedule, by reason of the fact that any person who was not entitled so to do take part in the proceedings of that body,

12. The Disciplinary Committee and the panel may each sit in two or more places.

13. Any document authorized or required by virtue of this Bill to be served on the Disciplinary Committee or the panel shall be served on the Registrar.

14. Any expenses of the Disciplinary Committee or the panel shall be defrayed by the Council (*Hon. Gbenga Makanjuola*) — *Agreed to.*

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

SCHEDULE 3

Section 10 (4)

ACCEPTABLE MINIMUM QUALIFICATION FOR THE PURPOSE OF REGISTRATION ON THE REGISTER ESTABLISHED UNDER THIS BILL

1. Higher National Diploma of the College of Animal health and Production Technology or its recognized equivalent qualification

2. Professional Diploma (i.e. HND Animal Health and Production Technology) from any recognized and accredited College of Animal Health and Production or B.Tech (Animal Health and Production from any recognized University in Nigeria or Abroad (*Hon. Gbenga Makanjuola*) — *Agreed to.*

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

Long Title:
A Bill for an Act to Regulate the Practice and to Make Provisions for the Animal Health Practitioners Regulation Council of Nigeria and for Other Matters Connected Therewith, 2009 (*Hon. Gbenga Makanjuola*).

Question that a Bill for an Act to Regulate the Practice and to Make Provisions for the Animal Health Practitioners Regulation Council of Nigeria and for Other Matters Connected Therewith be the Long Title 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 Agriculture on a Bill for an Act to Regulate the Practice and to Make Provisions for the Animal Health Practitioners Regulation Council of Nigeria and for Other Matters Connected Therewith, 2009 and approved Clauses 1 - 6, amended Clause 7, approved Clauses 8 - 16, amended Clause 17, approved Clauses 18 and 19, amended Clauses 20 and 21, approved Clauses 22 and 23, Schedules 1 - 3 and the Long Title of the Bill.

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

(b) ***Committee on Petroleum Resources (Downstream):***
Motion made and Question proposed, "That this House do resume consideration of the Report of the House Committee on Petroleum Resources (Downstream) on a Bill for an Act to Provide for the Licensing, Regulation and Incentives for Petroleum Refineries in Nigeria and for Other Matters Connected Therewith, 2008 and approve the Recommendations therein (HB. 27)" (*Hon. Clever M. Ikisikpo*).

Question put and agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO PROVIDE FOR THE LICENSING, REGULATION AND INCENTIVES FOR PETROLEUM REFINERIES IN NIGERIA AND FOR OTHER MATTERS CONNECTED THEREWITH

Committee Recommendation:

Clause 4: Licencing Process, etc.

(1) The Department shall from time to time determine and cause to be published a regulation on its licencing process specifying, among others, the persons or classes of persons who are eligible generally to apply for licences.

(2) Subject to sub-section (3) of this section, the Department shall from time to time determine and publish its licencing procedures which may include but shall not be limited to selection process, public tender invitation or competitive bidding process.

(3) The Department shall at all times be guided in the formulation of licencing procedures, issuance of petroleum refinery licences and preparation of licence conditions and terms, by principles of and consideration for —

(*a*) transparency, fairness and non-discrimination;

(*b*) the need to promote fair competition and investment in the petroleum refining industry;

(*c*) the need to ensure the provision of qualitative, affordable and readily available petroleum products in all parts of Nigeria;

(*d*) such other principles and considerations as the Department may from time to time consider necessary and in the national interest (*Hon. Clever M. Ikisikpo*) — *Agreed to.*

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

Committee Recommendation:

Clause 5: Issuance of Direction.

(1) The Department may, from time to time, issue directions in writing to any person regarding the compliance or non-compliance of any licencing conditions or provisions of this Bill or its subsidiary legislation, including but not limited to the remedy of a breach of any license condition or the provisions of this Bill or its subsidiary legislation.

(2) The Department shall, before issuing a direction under subsection (1) of this section, issue a notice in writing to the person specifying the nature of required compliance and the person shall be granted an opportunity to be heard or may submit a written submission within a reasonable time period specified in the notice on the reasons for his conduct or activity.

(3) The Department shall, after the expiry of the notice specified in subsection (2) of this section take into consideration any reasons provided by the person before making a decision in relation to the relevant conduct or activity of the person.

(4) After due consideration of any reasons provided by the person, the Department may issue a direction under subsection (1) of this section requiring the person to take specific action towards ensuring that the person does not contravene or continue to contravene any of the conditions of his license or any of the provisions of this Bill or its subsidiary legislation.

(5) The Department shall give the person written notice of its direction within fifteen days from the date the decision was made on the direction and the person shall comply with the direction issued by the Department.

(6) Where the person is dissatisfied with the direction issued pursuant to subsection (5) of this section, he may within thirty days appeal to the Committee established pursuant to this Bill (*Hon. Clever M. Ikisikpo*) — *Agreed to.*

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

Committee Recommendation:

Clause 6: **Modification of direction.**

(1) The Department may modify, vary or revoke a direction.

(2) The procedure set out in section 7 of this Bill shall apply mutatis mutandis in respect of the provisions of subsection (1) of this section (*Hon. Clever M. Ikisikpo*) — *Agreed to.*

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

Committee Recommendation:

Clause 7: **Non Compliance with Direction.**

Without prejudice to any other provisions of this Bill or a license condition, a person who fails to comply with a direction of the Department shall be liable to the payment of fine to the Department in such amount as the Department may at its discretion impose (*Hon. Clever M. Ikisikpo*) — *Agreed to.*

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

Committee Recommendation:

Clause 8: **Register of Directions.**

The Department shall maintain a register of all directions issued by the Department, including any written instrument modifying, varying or revoking a direction, in accordance with the provisions of this Bill (*Hon. Clever M. Ikisikpo*) — *Agreed to.*

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

Committee Recommendation:

Clause 9: **Declaration and Register of Declaration.**

(1) The Department may, from time to time, make written declarations that licenses are subject to such terms and conditions, or enjoy such benefits, as the Department deems fit.

(2) Any declaration on the conditions of license shall be consistent with the objectives and provisions of this Bill.

(3) The Department shall register and publish every declaration as soon as practicable and shall further maintain a register of all such declarations in accordance with this Bill (*Hon. Clever M. Ikisikpo*) — *Agreed to.*

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

Committee Recommendation:

Clause 10: **Affected Licencees.**

(1) The Department shall, before making a declaration under section 5 of this Bill, give the affected licencees written notice of its intention to do so together with a draft copy of the declaration, and the licencees may make written submission to the Department thereon with the time period specified by the Department but not more than thirty days from the date of the written notice

(2) The Department shall, in deciding on the next course of action, take into consideration any submission made by the affected licencees and the principle specified in section 4 (3) of this Bill (*Hon. Clever M. Ikisikpo*) — *Agreed to.*

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

Committee Recommendation:

Clause 11: Expiration, modification or revocation of declaration.

(1) The Department may at any time amend, modify, vary or revoke any license condition or declaration regarding a licence in accordance with the provisions of this Bill.

(2) The procedure set out in sections 5 and 6 of this Bill shall apply mutatis mutandis in respect of any amendment, modification, variation or revocation of a license condition or declaration (*Hon. Clever M. Ikisikpo*) — *Agreed to.*

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

Committee Recommendation:

Clause 12: Assignment of License and Compliance with Licence Conditions.

(1) The grant of a licence shall be personal to the licencee and shall not be operated by, assigned, sub-licenced or transferred to any other party unless the prior written approval of the Department has been granted.

(2) A licencee shall at all times comply with the terms and conditions of his licence and the provisions of this Bill and its subsidiary legislation (*Hon. Clever M. Ikisikpo*) — *Agreed to.*

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

Committee Recommendation:

Clause 13: Register.

(1) The Department shall maintain a register of all maters that are required to be registered under this Bill and its subsidiary legislation.

(2) The Department may, at its discretion, summarize the contents of a material for inclusion in the register and exclude therefrom aspects of the material if it considers such exclusion necessary and justified on the grounds of public interest or safety, amongst others (*Hon. Clever M. Ikisikpo*) — *Agreed to.*

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

Committee Recommendation:

Clause 14: Access to Register by Public.

(1) A person may, on payment of the charge, if any to be decided by the Department—

(*a*) inspect any relevant register; and

(*b*) make a copy of, or take extracts from such register.

(2) The Department shall from time to time publish guidelines in regard to its various registers giving details of the registers and including, amongst others, access and procedures for members of the public (*Hon. Clever M. Ikisikpo*) — *Agreed to.*

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

Committee Recommendation:

Clause 15: Power to make Regulations.

(1) The Department may make and publish regulations for all or any of the following issues—

(*a*) written authorizations, permits, assignments and licenses granted or issued under this Bill;

(*b*) any fees, charges, rates or fines to be imposed pursuant to or under this Bill or its subsidiary legislation;

(*c*) hoarding of refined petroleum products and related offences;

(*d*) permits and licences to export refined petroleum products;

(*e*) any matter for which this Bill makes express provision; and

(*f*) such other matters as are necessary for giving full effect to the provisions of this Bill and for their due administration.

(2) Regulations made under this Bill shall not come into effect unless it is approved by a simple resolution of the National Assembly (*Hon. Clever M. Ikisikpo*).

Amendment Proposed:
Leave out the provision of Subclause (2) (*Hon. Sada Soli*).

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

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

Committee Recommendation:
Clause 16: Review of regulations.

(1) Subject to subsection (2) of this section, the Department may review, as at when it deems necessary, any regulation made under this Bill that is in effect at the time of the review and may in the process modify or vary or repeal any such regulation—

(*a*) which is no longer necessary in the interest of the nation;

(*b*) which is no longer necessary to ensure the objects of this Bill or its subsidiary legislation; or

(*c*) for any other reason that the Department deems necessary.

(2) The procedure set out in section 15 of this Bill shall apply mutatis mutandis in respect of any modification, variation or revocation of a regulation (*Hon. Clever M. Ikisikpo*).

Amendment Proposed:
Leave out all the words in subclause (1) (*c*) (*Hon. Abdul Ningi*).

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

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

Committee Recommendation:
Clause 17: Competence on competition issues.

The Department shall have exclusive competence to determine, pronounce upon, administer, monitor and enforce compliance of all persons with competition regulations, whether of a general or specific nature, as it relates to the Nigerian petroleum refining industry (*Hon. Clever M. Ikisikpo*) — *Agreed to.*

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

Committee Recommendation:
Clause 18: Anti-Competition Practices.

(1) A licencee shall not engage in any conduct which has the purpose or effect of substantially lessening competition in any aspect of the Nigerian petroleum refining industry.

(2) The Department may from time to time make guidelines which clarify the meaning of "substantial lessening of competition" in the Nigerian petroleum refining industry and such guidelines may include references to—

(*a*) the relevant economic market;

(*b*) global trends in the relevant market;

(*c*) the impact of the conduct on the number of competitors;

(*d*) the impact of the conduct on barriers to entry into the market;

(*e*) the impact of the conduct on the cost and profit structures in the market; and

(*f*) any other relevant matter.

(3) A licencee shall not enter into any understanding, agreement or arrangement, whether legally enforceable or not, which provides for—

(*a*) rate fixing;

(*b*) market sharing;

(*c*) boycott of another competitor;

(*d*) boycott of a supplier or equipment;

(*e*) boycott of any other licencee.

(4) A licencee shall not, any time or in any circumstance, make it a condition for the provision or supply of a product or service in a refinery that the person acquiring such product or services in the refinery is also required to acquire or not to acquire any other product or service from him or from another person (*Hon. Clever M. Ikisikpo*) — *Agreed to.*

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

Committee Recommendation:

Clause 19: Dominant Operators.

(1) The Department may determine that a licencee is in a dominant position in any aspect of the Nigerian petroleum refinery market.

(2) The Department may publish guidelines and regulations which clarify how it shall apply the test of "dominant position" to licenceees.

(3) The guidelines and regulations in subsection (2) of this section may specify the matter which the Department may take into account, including—

(*a*) the relevant economic market;

(*b*) global technology and commercial trends affecting market power;

(*c*) the market share of the licensee;

(*d*) the degree of product or service differentiation and sales promotion in the market; and

(*e*) any other matter which the Department is satisfied are relevant.

(4) The Department may direct a licencee in a dominant position in the petroleum refinery market to cease a conduct in that market which has or may have the effect of substantially lessening competition in any aspect of the Nigerian petroleum refinery industry, for authorization for the conduct.

Leave out the provision of Clause 19 *(Hon. Clever M. Ikisikpo) — agreed to.*

Committee Recommendation:

Clause 20: Exemptions.

(1) A licencee may apply to the Department prior to engaging into any conduct which may be construed to have the purpose or effect of substantially lessening competition in any aspect of the Nigerian petroleum refinery industry, for authorization for the conduct.

(2) Notwithstanding the provisions of the Bill, the Department may authorize the conduct if the Department is satisfied that the authorization is in the national interest.

(3) The Department may, before authorizing the conduct, require the licencee to submit an undertaking regarding his conduct in any matter relevant to the authorization.

(4) A licencee may withdraw an application made under subsection (1) of this section at any time prior to authorization by the Department (*Hon. Clever M. Ikisikpo*) — *Agreed to.*

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

Committee Recommendation:

Clause 21: Products Pricing.

(1) Holders of licences shall not impose prices for refined products until such prices have been approved by the appropriate authority.

(2) Holders of licences shall supply products at the prices so approved by the appropriate authority and shall not depart therefrom without prior written approval by the appropriate authority of such proposed changes in prices.

(3) Holders of licences shall publish the prices of products and the modification thereto as may be approved from time to time by the appropriate authority (*Hon. Clever M. Ikisikpo*).

Amendment Proposed:

Leave out all the provisions in Clause 21 (*Hon. Ita Enang*).

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

Extension of Sitting:

Motion made and Question proposed, "That the House do suspend Order 14, Rule 4 to enable it sit beyond 1.30 p.m. (*Hon. Tunde Akogun*).

Question put and agreed to.

Committee Recommendation:

Clause 22: Exportation of Refined Products.

(1) Any holder of license under this Bill may export any kind or quantity of refined petroleum products provided that he does so subject to the provisions of this Bill and regulations made thereto.

(2) The Department may make regulations prescribing such requirements concerning local supply of refined petroleum products that must be met by any licencee under this Bill before he is authorized to export refined petroleum products.

(3) The Department shall ensure at all times that local requirements for refined petroleum products are met before authorizing any licencee to export.

(4) The Department may also grant licences to certain persons to refine exclusively for exportation, provided that such licencees shall be exempted from all incentives under this Bill (*Hon. Clever M. Ikisikpo*) — *Agreed to.*

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

Committee Recommendation:

Clause 23: Offences.

(1) Any person who exports refined petroleum products without the appropriate licences or permits commits an offence and on conviction, is liable to a fine of seven times the value of the goods or to imprisonment for a term not exceeding 1 year or to both such fine and imprisonment.

(2) Any person who uses any technical facility which compromises public safety as may be defined from time to time by the Department commits an offence and on conviction, is liable to a fine not below ₦30,000,000 or to imprisonment for a term not exceeding 2 year or to both such fine and imprisonment.

(3) Any refined petroleum product in respect of which an offence has been committed under this section shall be forfeited to the Federal Government of Nigeria (*Hon. Clever M. Ikisikpo*).

Amendments Proposed:

(*i*) *Leave out* all the words in Subclause (1) and *insert* the following instead thereof:
"Any person who exports refined petroleum products without the appropriate licences or permits, commits and offence and on conviction is liable to 5 years imprisonment" (*Hon. Sani Suleh Minjibir*).

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

(*ii*) In Subclause (2), line 4, *leave out* the word "exceeding" and *insert* the words "less than" instead thereof (*Hon. Ogbuefi Ozomgbachi*).

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

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

Committee Recommendation:

Clause 24: Modification to Existing Legislations.

(1) The provisions of any law or enactment conferring regulatory functions on any other department or agency of government shall be read with such modifications so as to bring them into conformity with the provisions of this Bill.

(2) Where any other law or enactment is inconsistent with the provisions of this Bill, the provisions of this Bill shall prevail and that other law shall, to the extent of such inconsistency, be void (*Hon. Clever M. Ikisikpo*).

Amendment Proposed:

Leave out the provisions in Clause 24 (*Hon. Ita Enang*).

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

Chairman to report progress.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in the Committee of Whole resumed consideration of the Report of the House Committee on Petroleum Resources (Downstream) on a Bill for an Act to Provide for the Licensing, Regulation and Incentives for Petroleum Refineries in Nigeria and for Other Matters Connected Therewith, 2008 and approved Clauses 4 - 14, amended Clauses 15 and 16, approved Clauses 17 - 20, deleted Clause 21, approved Clause 22, amended Clause 23, deleted Clause 24 and deferred further consideration of the Report.

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

9. Adjournment:

And it being 2.50 p.m. the House adjourned till Wednesday, 11 February, 2009 at 2:00 p.m.

Dimeji Sabur Bankole
Speaker