



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Wednesday, 17 August, 2005

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1. The House met at 2.30 p.m. Mr Speaker read Prayers.
 2. **Votes and Proceedings:**
Mr Speaker announced that he had examined and approved the Votes and Proceedings of 16 August, 2005.
By unanimous consent, the Votes and Proceedings was adopted.
 3. **Petition:**
A Petition was received and referred to the Committee on Public Petitions.
Hon. Ishaku Johnson Shara, from Ibrahim A. Dibai, praying the House to investigate his wrongful dismissal by the Nigeria Prisons Service and to reinstate him.
 4. **Flood Disaster in Taraba State:**
Mr Speaker recalled House Resolution 25/2005 on the Flood Disaster in Taraba State and expressed regret at the death of 102 persons in that State following a boat mishap. He named a 6—Member Committee to visit the State to commiserate with the government and people of that State. The Committee would also assess the extent of the accident and report to the House:

(i) Hon. Victor Lar	(ii) Hon. Sani Ahmed Lar
(iii) Hon. Long John	(iv) Hon. Emma Bwacha
(v) Hon. Nkechi Nwogu	(vi) Hon. Babangida S. M. Nguroje
 5. **Presentation of Report:**
Joint Committee on Public Accounts and Justice:
Motion made and Question proposed, “That this House do receive the Report of the Joint Committee on Public Accounts and Justice on A Bill for an Act to Establish the Institute of Certified Public Accountants of Nigeria and for Related Matters, 2003” (*Hon. Adeyemi Oluwole*).

Question put and agreed to.

Report Laid.
 6. **Consideration of Reports:**
 - (i) **Committee on Environment:**
Motion made and Question proposed, “That this House do resume consideration of the Report of the House Committee on Environment on A Bill for an Act to Provide for the Establishment of the National Oil-Spill Detection and Response Agency and for Matters Connected Therewith, 2004 and approve the Recommendations therein” (*Hon. Abdul Ningi*).

Question put and agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NATIONAL OIL-SPILL
DETECTION AND RESPONSE AGENCY AND FOR MATTERS CONNECTED THEREWITH.

PART VIII — LEGAL PROCEEDINGS

Committee Recommendation:

Clause 21: 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 an officer or employee of the Agency,
- (2) Notwithstanding anything contained in any other enactment, no suit against a member of the Advisory Committee or the Director-General or any other officer or employee of the Agency or the Centre for any act done in pursuance or execution of this Act or any other enactment or law, or of any public duty or authority in respect of any alleged neglect or default in the execution of this Act or any other enactment of law, duty 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 Advisory Committee or the Director-General or any other officer or employee of the Agency or Centre before the expiration of a period of one month after written notice of the intending plaintiff or his agent.
- (4) The notice referred to in subsection (3) of this section shall clearly and explicitly state the cause of action, the particulars of the claim, the name and place of abode of the intending plaintiff and the relief which he claims (*Hon. Bala Nggilari*).

Amendment Proposed:

Leave out all the words in Sub Clauses 2, 3 and 4 (Hon. Ita Enang).

Question that amendment be made, put and agreed to.

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

Committee Recommendation:

Clause 22: Service of Documents

A notice, summons or other document required or authorized to be served on the Agency under the provisions of this Act or any other enactment or law 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. Bala Nggilari*).

Amendment Proposed:

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

Question that amendment be made, put and agreed to.

Committee Recommendation:

Clause 23: Restriction on Execution Against Property of the Agency

- (1) In any action on suit against the Agency, no execution or attachment or process in the nature there of shall be issued against the Agency unless not less than three

months notice of the intention to execute or attach has been given to the Agency,

- (2) 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 notice of appeal against the judgment has been given, be paid from the fund of the Agency (*Hon. Bala Nggilari*).

Amendment Proposed:

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

Question that amendment be made, put and agreed to.

Committee Recommendation:

Clause 24: Indemnity of officers.

A member of the Advisory Committee or the Centre shall be indemnified out of the assets of the 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 or the Centre (*Hon. Bala Nggilari*) — *Agreed to.*

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

Committee Recommendation:

Clause 25: Secrecy

- (1) A member of the Advisory Committee or the Director-General or any other officer or employee of the Agency or the Centre shall—
- (a) not, for his personal gain, make use of any information which has come to his knowledge in the exercise of his powers or is obtained by him in the ordinary course of his duty as member of the Advisory Committee or as the Director-General, officer or employee of the Agency or the Centre;
 - (b) treat as confidential any information which has come to his knowledge in the exercise of his powers or is obtained by him in the performance of his duties under this Act;
 - (c) not disclosed any information referred to under paragraph (b) of this subsection, except when required to do so by a court or in such other circumstances as may be prescribed by the Advisory Committee, from time, to time.
- (2) (a) Any person who contravenes the provisions of Subsection (1) of this section commits an offence and is liable on conviction to a fine of not less than N20,000 or to imprisonment for a term not exceeding 2 year or to both.
- (b) Penalty for non-compliance on oil spill clean-up and remediation shall attract a fine not less than N500,000 in addition to the normal clean-up and remediation processes (*Hon. Bala Nggilari*) — *Agreed to.*

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

Committee Recommendation:

Clause 26: Directive by the Minister etc

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

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

Committee Recommendation:**Clause 27: Regulations**

The Agency may, with the approval of the Minister, make such regulations as in its opinion are necessary or expedient for giving full effect to the provisions of this Act and for the due administration of its provisions (*Hon. Bala Nggilari*) — *Agreed to*.

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

Committee Recommendation:**Clause 28: Interpretation**

In this Act, except the context otherwise requires—

"Advisory Committee" means the National Oil Spill Detection Response Advisory Committee of the Agency established under section 2 of this Act; (*Hon. Bala Nggilari*) — *Agreed to*.

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

"Agency" means the National Oil Spill Detection Response Agency established under section 1 of this Act; (*Hon. Bala Nggilari*) — *Agreed to*.

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

"Chairman" means the Chairman of the Advisory Committee of the Agency; (*Hon. Bala Nggilari*) — *Agreed to*.

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

"Centre" means the National Headquarters and Control Response Centre established under Section 19 of this Act; (*Hon. Bala Nggilari*) — *Agreed to*.

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

"member" means a member of the Advisory Committee of the Agency and includes the Chairman; (*Hon. Bala Nggilari*) — *Agreed to*.

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

"Minister charged with responsibilities for matters relating to environment and "Ministry" shall be construed accordingly. (*Hon. Bala Nggilari*) — *Agreed to*.

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

Committee Recommendation:**Clause 29: Short Title**

This Act may be cited as the National Oil Spill Detection and Response Agency (Establishment, etc) Act 2005 (*Hon. Bala Nggilari*) — *Agreed to*.

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

SCHEDULE**Supplementary Provisions Relating to the Advisory Committee, etc****Proceedings of the Advisory Committee. Cap. 192 LFN**

1. 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 Advisory Committee may make standing orders regulating its proceedings or that of any of its committees.
2. At every meeting of the Advisory Committee, the Chairman shall preside and in his absence the members present at the meeting shall appoint one of their number to preside at the meeting.
3. The quorum at meeting of the Advisory Committee shall consist of the Chairman or in an appropriate case, the person presiding at the meeting pursuant to paragraph 2 of this schedule and nine other members.
4. The Advisory Committee shall for the purpose of this Act, meet not less than three times in each year and subject thereto the Advisory, Committee shall meet whenever it is summoned by the Chairman, and if required to do so, by notice given to him by not less than eight other members, he shall summon a meeting of the Advisory Committee to be held within 14 days from the date on which the notice is given.
5. Where, the Advisory Committee desires to obtain the advice of any person on a particular matter, the Board may co-opt him to the Advisory Committee for such period as it 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 Advisory Committee and shall not count toward a quorum.

6. Committees

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

Miscellaneous

7. The fixing of the seal of the Agency shall be authenticated by the signatures of the Director-General and the Chairman or any other person generally or specifically authorized by the Advisory Committee to act for that purpose.
8. Any contract or instrument which if made by a person not being a body co-orporate, would not be required to be under seal may be made or executed on behalf of the Agency by the Director-General or by any other person general or specially authorized by the Advisory Committee to act for that purpose.
9. Any document purporting to & - a 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 Advisory committee or of any of its committee shall not be affected by—
 - (a) any vacancy in the membership of the Advisory Committee, or committee, or
 - (b) any defect in the appointment of a member of the Advisory Committee or committee, or
 - (c) reason that any person not entitled to do so took part in the proceedings of the Advisory Committee or Committee.
11. A member of a committee who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Committee shall forthwith disclose his interest to the committee and shall not vote on any question relating to the contract or arrangement.
12. No member of the Advisory Committee shall be personally liable for any act or omission done or made in good faith while engaged in the Agency (*Hon. Bala Nggilari*) — *Agreed to.*

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

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in the Committee of Whole resumed consideration on the Report of the House Committee on Environment on A Bill for an Act to Provide for the Establishment of the National Oil-Spill Detection and Response Agency and for Matters Connected therewith and approved Clause 21 (1), deleted sub clauses 21(2) (3), deleted Clauses 22 and 23, approved Clauses 24 to 29 and the Schedule.

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

(ii) Joint Committee on Defence, Army, Navy and Air Force:

Motion made and Question proposed, “That this House do resume consideration of the Report of the Joint Committee on Defence, Army, Navy and Air Force on A Bill for an Act to Establish the Armed Forces Services Commission, which shall be Charged with the Responsibility, among Other Things to Appoint Persons to Offices in Nigeria’s Armed Forces (Other than the Offices to the Chief of Naval Staff) and to Promote, Dismiss and Exercise Disciplinary Control over any Person Holding Office in the Armed Forces (Other than the Chief of Defence Staff, Chief of Army Staff, Chief of Air Staff, Chief of Naval Staff); and at all times to ensure that all Appointments on the Armed Forces, Reflect the Federal Character of Nigeria, 2004 and approve the recommendations therein” (*Hon. Abdul Ningi*).

Question put and agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

REPORT OF THE AD-HOC COMMITTEE ON THE REVIEW OF THE ARMED FORCES SERVICES COMMISSION BILL

Committee Recommendations:

- (i) That the House Committee on Defence should embark on a comprehensive review of the Armed Forces Act with a view to ensuring compliance with S.217(3) and S. 219 of the 1999 Constitution on the Federal Character and also to bring some of the sections of the Armed Forces Act (A.F.A.) into conformity with the 1999 Constitution (*Hon. Alex Nwofe*).

Question put and agreed to.

- (ii) That the Defence Committee is right in its view that there is no need for a new body to take care of the mandatory provisions of the Constitution in Sections 217-219 subject however to a comprehensive review of the Act (A.F.A.) (*Hon. Alex Nwofe*).

Question put and agreed to.

Committee on Defence mandated to embark on the review of the Armed Forces Act.

Report of the Committee on Defence, Army, Navy and Air Force on A Bill for an Act to Establish the Armed Forces Services Commission, which shall be Charged with the Responsibility, among Other Things to Appoint Persons to Offices in Nigeria's Armed Forces (Other than the Offices to the Chief of Naval Staff) and to Promote, Dismiss and Exercise Disciplinary Control over any Person Holding Office in the Armed Forces (Other than the Chief of Defence Staff, Chief of Army Staff, Chief of Air Staff, Chief of Naval Staff); and at all times to ensure that all Appointments on the Armed Forces, Reflect the Federal Character of Nigeria, 2004 accordingly adopted.

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 *Ad-Hoc* Committee on the Review of the Armed Forces Services Commission Bill and approved Recommendations 1 and 2 with a proviso that the Committee on Defence do embark on the review of the Armed Forces Act to reflect the provisions of Section 217 of the Constitution.

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

(iii) Joint Committee on Finance, Appropriation and Justice:

Motion made and Question proposed, "That this House do consider the Report of the Joint Committee on Finance, Appropriations and Justice on A Bill for an Act to Establish the National Assembly Statutory Expenditure Account to Vest Certain Measure of Self-Accounting Responsibilities on the National Assembly in the Control and Management of its Financial Affairs; and to Provide for Other Matters Relating Thereto, 2004 and approve the recommendations therein" (Hon. Shuaibu Hashimu Abdullahi).

Order read; Consideration deferred to enable members peruse the Report.

7. Adjournment:

That this House do now adjourn till Thursday, 18 August, 2005 at 10.00 a.m. (*Hon. Abdul Ningi*).

Adjourned accordingly at 3.19 p.m.

Aminu Bello Masari
Speaker