



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Wednesday, 19 October, 2005

1. The House met at 2,45 p.m. Mr Speaker read Prayers.
2. **Votes and Proceedings:**
Mr Speaker announced that he had examined and approved the Votes and Proceedings of Tuesday, 18 October, 2005.

By unanimous consent, the Votes and Proceedings was adopted.

3. Messages:
Mr Speaker read the following Messages from the President of the Federal Republic of Nigeria:



PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA

PRES/134

18 October, 2005

*The Honourable Speaker,
House of Representatives,
National Assembly Complex,
Three-Arms Zone, Asokoro
— Abuja.*

Dear Hon. Speaker,

PRESENTATION OF STATISTICS BILL 2005

I hereby present, for formal consideration and passage into law by the House of Representatives, the attached Bill for an Act to repeal the Statistics Act 1957, to establish the National Statistics System, National Bureau of Statistics and for other matters connected therewith.

I hope the Bill will receive prompt attention of the Honourable Members of the House.

Yours sincerely,

(Signed)
OLUSEGUN OBASANJO



PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA

PRES/134

17 October, 2005

The Honourable Speaker,
House of Representatives,
National Assembly Complex,
Three-Arms Zone, Asokoro —
Abuja.

Dear Hon. Speaker,

PRESENTATION OF NIGERIAN COUNCIL FOR
MANAGEMENT DEVELOPMENT (AMENDMENT. ETC) BILL 2005

I hereby present, for formal consideration and passage into law by the House, the attached Bill to amend the Nigerian Council for Management Development Act, CAP, 300 LFN1990 and matters connected therewith.

I hope the Bill will receive prompt attention of the Honourable Members for the House.

Yours sincerely,

(Signed)
OLUSEGUN OBASANJO

4. **Announcements:**

- (i) Communication from the Leader, Alliance for Democracy, Hon. Wunmi Bewaji:
Mr Speaker read the following letter:



**HOUSE OF REPRESENTATIVES
FEDERAL REPUBLIC OF NIGERIA
OFFICE OF THE LEADER, ALLIANCE FOR DEMOCRACY (AD)
National Assembly Complex, Three Arms Zone,
P.M.B. 141, Garki, Abuja.**

Hon. Aminu Bello Masari, Hon. Speaker, House of Representatives, Federal Republic of Nigeria. 25th August, 2005

Mr Speaker Sir,

RE ELECTION OF A NEW AD WHIP

Aforementioned matter refers.

PURSUANT to the provisions of Order VII, Rule 9(3) of the Standing Orders of the House of Representatives, Federal Republic of Nigeria, I am pleased to inform you of the election on Thursday 25th day of August, 2005 of Colonel Jimoh Tijani as the new Whip of the A.D. Caucus.

Kindly accept the assurances of the highest regards of our Caucus and my humble self for your good self, the Leadership and the entire membership of this August Assembly.

Thank you and God bless

Faithfully yours,

(Signed)

*Wunmi Bewaji, Esq.
AD Leader*

(ii) Purchase of Houses:

Mr Speaker announced that Members who had submitted drafts for the purchase of their Quarters, through the House Committee on Federal Capital Territory, should collect receipts of payment in Committee Room 24.

(iii) Bereavement;

Mr Speaker announced, with deep regret, the death of the mother of Hon. Sidi Alt, on Tuesday, 18 October, 2005.

(Hon. Mustapha Gajibo rendered prayers for the repose of the soul of the deceased).

(iv) Visitors:

Mr Speaker announced the presence, in the Gallery, of Members of the Legislative Assembly, Oredo Local Government Council, Edo State.

5. Petition:

A petition was received and referred to the Committee on Public Petitions:
Hon, Umar El-Yakub, from Babangida Abdullahi Idris, praying the House to investigate his wrongful suspension from Service by the Federal Ministry of Power and Steel, Abuja and reinstate him.

6. Consideration of Report:

Joint Committee on Anti-Corruption and Justice:

Motion made and Question proposed, "That this House do resume consideration of the Report of the Joint Committee on Anti-Corruption and Justice on A Bill for an Act to Amend the Corrupt Practices and other Related Offences Act, 2003 and approve the recommendations therein" (*Hon. Nduese Essien*).

Question put and agreed to.

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

Question, That Order VII, Rule 2(2) be suspended to enable Mr Speaker preside in the Committee of Whole — *Agreed to.*

(HOUSE EV THE COMMITTEE)

(Mr Speaker in the Chair)

A BILL FOR AN ACT TO AMEND THE CORRUPT PRACTICES AND OTHER RELATED
OFFENCES ACT, 2003 AND APPROVE THE RECOMMENDATIONS THEREIN

Section 3(7) of the Principal Act is amended as follows:

Committee Recommendation:

The Chairman shall hold office for a period of (5) years and may be re-appointed for another period of 5 years but shall not be eligible for re-appointment thereafter (*Hon. Nduese Essien*).

Amendment Proposed:

In lines 1 and 2, *leave out* the figure 5 and *insert* the figure (4) instead thereof (*Hon. Terngu Tsegba*).

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

Insert a new Section 3(8) as follows:

Committee Recommendation:

The other Members of the Commission shall hold office for a period of 4 years and may be re-appointed for another term of 4 years but shall not be eligible for re-appointment thereafter *{Hon. Nduese Essien}—Agreed to.*

Section 3(8) of the Principal Act is amended as follows:

Committee Recommendation:

Notwithstanding the provisions of Subsections (7) and (8) of this section, the Chairman or any Member of the Commission may at any time be removed from office by the President acting on an address supported by two-thirds majority of the entire members of the National Assembly, praying that he be removed for inability to discharge the functions of his office (whether arising from infirmity of mind or body), for misconduct or it is in the public interest to do so *{Hon. Nduese Essien}*.

Amendments Proposed:

- (i) *Leave out* the recommendation and retain the following provision in the Bill.
Notwithstanding the provision of Subsection (7) of this section, the Chairman or any Member of the Commission may at any time be removed from office by the President acting on the advice supported by two-thirds majority of the entire number of the Senate, praying that he be removed for inability to discharge the functions of his office (whether arising from infirmity of mind or body), for misconduct or it is in the public interest to do so *(Hon. Chidi Duru)*.

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

- (it) In line 2 of Section, immediately after the word "Commission" *leave out* the word "may" and *insert* the word "shall" instead thereof *{Hon. Chidi Duru}*.

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

Section 3(9) of the Principal Act is amended as follows:

Committee Recommendation:

The Chairman or any Member of the Commission may resign his appointment by notice in writing under his hand addressed to the President, and, the Chairman or that Member shall on the date of receipt of the notice of resignation by the President, cease to be the Chairman or Member of the Commission *(Hon. Nduese Essien) —Agreed to.*

Section 3(10) of the Principal Act is amended as follows:

Committee Recommendation:

The Chairman and members of the Commission shall hold office on such terms and conditions as may be prescribed in their instrument of appointment *(Hon. Nduese Essien)*.

Amendment Proposed:

Leave out the provision in the recommendation and *retain* the following provision in the Bill. The Chairman and members of the Commission shall hold office on such terms and conditions as may be specified in their instruments of appointment; provided that the remuneration for the Chairman and Members shall be determined by the National Revenue Mobilisation and fiscal Commission *{Hon. Aminu Tambuwal}*.

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

Section 3(11) of the Principal Act is amended as follows:

Committee Recommendation:

The tenure of office and conditions of service of the staff of the Commission shall, subject to the provisions of this Act, be determined by the Commission *{Hon. Nduese Essien} —Agreed to.*

Section 3(12) of the Principal Act is amended as follows:

Committee Recommendation:

The Commission shall have the power to appoint, dismiss and exercise disciplinary power and control over its staff and for this purpose, shall provide its own rules *{Hon. Nduese Essien} —Agreed to.*

Section 3(13) of the Principal Act is amended as follows:

Committee Recommendation:

The Commission shall have the power to appoint, designate and deploy such number and category of staff and officers which, in the opinion of the Commission, shall be required to assist it in the discharge of all or any of its functions and shall have powers to pay persons so employed such remuneration (including allowances) as is in accordance with Subsection (12) of this section (*Hon. Nduese Essien*) — *Agreed to.*

Section 3(14) of the Principal Act is amended as follows:

Committee Recommendation:

In the exercise of its powers and discharge of its functions under this Act, the Commission shall not be subject to the direction or control of any other person or authority (*Hon. Nduese Essien*).

Amendment Proposed:

Leave out the provision in the recommendation and retain the following provision in the Bill.

In the exercise of the discharge of its functions under this Act, the Commission shall not be subject to the direction or control of any other person or authority (*Bon. Aminu Tambuwal*).

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

Section 4(1) of the Principal Act is amended as follows:

Committee Recommendation:

An officer or member of staff appointed pursuant to this Act shall have such powers as may be conferred upon him by this Act and shall be subject to the direction, control and supervision of the Chairman or any other officer of the Commission superior to him in rank (*Hon. Nduese Essien*) — *Agreed to.*

Section 4(2) of the Principal Act is amended as follows:

Committee Recommendation:

An officer or any member of staff of the Commission shall exercise his powers and discharge his functions in compliance with the directives or instructions as may, from time to time, be given by the Chairman of the Commission or other officer of the Commission superior to him in rank (*Hon. Nduese Essien*) — *Agreed to.*

Section 4(3) of the Principal Act is amended as follows:

Committee Recommendation:

Every officer of the Commission when discharging the duties of his office, shall, on demand, declare his office and produce to the person against whom he is acting or from whom he seeks any information, evidence of his identity issued to him by the Commission (*Hon. Nduese Essien*) — *Agreed to.*

Section 4(4) of the Principal Act is amended as follows:

Committee Recommendation:

Service in the Commission shall be approved service for purposes of the Pension Reform Act (*Hon. Nduese Essien*) — *Agreed to.*

Section 4(5) of the Principal Act is amended as follows:

Committee Recommendation:

There shall be a Secretary to the Commission appointed by the President who, under the general direction of the Chairman, shall be responsible for the general administration of the staff of the Commission and shall be responsible for keeping the records of the Commission (*Hon. Nduese Essien*) — *Agreed to.*

Section 4(6) of the Principal Act is amended as follows:

Committee Recommendation:

An officer appointed under subsections (5) and (7) shall have such powers as may be vested in him under this Act and shall be subject to the direction, control and supervision of the Chairman or any other superior officer of the Commission and shall exercise his powers, and discharge his duties in compliance with such directives as may be given orally or in writing by the Chairman or any other superior officer of the Commission (*Hon. Nduese Essien*) — *Agreed to.*

Section 4(7) of the Principal Act.

Committee Recommendation:

Retain the following provision in the Principal Act.

There shall be appointed such number of Commissioners, Deputy Commissioners, Assistant Commissioners, Superintendents, Assistant Superintendents, Senior Investigators and Investigators of the Commission as may be necessary for the purpose of carrying into effect the provisions of this Act (*Hon. Nduese Essien*) — *Agreed to*.

Section 4(8) of the Principal Act is amended as follows:

Committee Recommendation:

Every member of the Commission shall, before assuming the duties of his office, subscribe to the oath of office prescribed in the Constitution of the Federal Republic of Nigeria for public officers (*Hon. Nduese Essien*) — *Agreed to*.

Insert a new Section 4(9) as follows:

Committee Recommendation:

The Chairman and any four (4) Members of the Commission shall constitute a quorum (*Hon. Nduese Essien*).

Amendment Proposed:

Leave out the provision in the recommendation and *insert* the following instead thereof:

The Chairman and any 3 members of the Commission shall form a Quorum and in his absence, the quorum shall be four members with one amongst them elected to preside (*Hon. Wunmi Bewaji*).

Question that amendment be made, put and agreed to.

Section 6(a) of the Principal Act is amended as follows:

Committee Recommendation:

It shall be the duty of the Commission) Where upon the receipt of a report or complaint relating to the commission of an offence made orally or in writing or where the Commission on its own has reasonable ground for suspecting that any person has conspired to commit or has attempted to commit or has committed an offence under this Act or any other enactment or any other law prohibiting corruption, to receive and investigate the complaint or allegation of conspiracy to commit, attempt to commit or the commission of such offence and in appropriate case, to prosecute the offender (*Hon. Nduese Essien*).

Amendment Proposed:

Leave out the provision in the recommendation and *retain* the following provision in the Principal Act.

It shall be the duty of the Commission—

- (a) Where reasonable grounds exist for suspecting that any person has conspired to commit or has attempted to commit or has committed an offence under this Act or any other law prohibiting corruption, to receive and investigate any report of the conspiracy to commit, attempt to commit or the commission of such offence and, in appropriate cases, to prosecute the offenders (*Hon. Obeten E. Obeten*).

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

Section 8(2) of the Principal Act is amended as follows:

Committee Recommendation:

- (2) If in any proceedings for an offence under this section it is proved that any property or benefit of any kind, or any promise thereof, was received by a public officer, or by some other person at the instance of a public officer from a person— (a) holding or seeking to obtain a contract, license, permit, employment or anything whatsoever
from a government department, public body, company or an organization or institution in which that public officer is serving as such;

- (b) concerned, or likely to be concerned, in any proceeding or business transacted, pending or likely to be transacted before or by that public officer or a government department, public body, company or an organization or institution in which that public officer is serving as such; and (*Hon. Nduese Essien*) — *Agreed to*.

Section 8(3)(£>) of the Principal Act is amended as follows:

Committee Recommendation:

- (b) never intended to do, make or show the act, omission, favour or disfavour (*Hon. Nduese Essien*) — *Agreed to*.

Section 9(1) of the Principal Act is amended as follows:

Committee Recommendation:

- (1) Any person who corruptly —
- (a) gives to, confers on or procures for a public officer or any other person any property or benefit of any kind, or
- (b) promises or offers to give, confers on, procures or attempts to procure for, any property or benefit of any kind for a public officer or on any other person, on account of any such act; omission, favour or disfavour to be done or shown by the public officer, is guilty of an offence of official corruption and shall on conviction, be liable to imprisonment for seven (7) years (*Hon. Nduese Essien*) — *Agreed to*.

Section 9(2)(a) and (b) of the Principal Act is amended as follows:

Committee Recommendation:

- (2) If in any proceedings for an offence under this section it is proved that any Property or benefit of any kind, or any promise thereof, was given to a public officer or some other person at the instance of a public officer, by a person—
- (a) holding or seeking to obtain a contract, licence, permit, employment or anything whatsoever from a government department, public body, company or an organization or institution in which that public officer is serving as such, or
- (b) concerned or likely to be concerned in any proceeding or business transaction, pending or likely to be transacted before or by that public officer or a government department public body or an organization or institution in which that public officer is serving as such, or (*Hon. Nduese Essien*).

Amendment Proposed:

Leave out the provisions in the recommendation and *retain* the following provision in the Principal Act. (2)

- If in any proceedings for an offence under this section it is proved that any Property or benefit of any kind, or any promise thereof, was given to a public officer or some other person at the instance of a public officer, by a person -
- (a) holding or seeking to obtain a contract, licence, permit, employment or anything whatsoever from a Government department, public body or other organization or institution in which that public officer is serving as such, or
- (b) concerned or likely to be concerned in any proceeding or business transacted, pending or likely to be transacted before or by that public officer or a government department public body or other organization or institution in which that public officer is serving as such, or (*Hon. Ita Enang*).

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

Section 9(2)(c) of the Principal Act is amended as follows:

Committee Recommendation:

- (c) acting on behalf of or relative to such a person, the property, benefit or promise shall, unless the contrary is proved, be deemed to have been given corruptly on account of such a past or future act, omission, favour or disfavour as is mentioned in section 9(1) and (2) (*Hon. Nduese Essien*) — *Agreed to*.

Section 10(a)(i) of the Principal Act is amended as follows:

Committee Recommendation:

- (i) anything already done or omitted to be done, or any favour or disfavour already shown to any person, by a public officer in the discharge of his official duties or in relation to any matter connected with the functions, affairs or business of a government department, company, public body or an organization or institution in which the public officer is serving as such; or (*Hon. Nduese Essien*).

Amendment Proposed:

Leave out the provision in die recommendation and *retain* the following provision in the Principal Act.

- (0 anything already done or omitted to be done, or any favour or disfavour already shown to any person, by a public officer in the discharge of his official duties or in relation to any matter connected with the functions, affairs or business of a Government department, public body or other organization or institution in which the public officer is serving as such; or (*Hon. Ita Enang*).

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

Section 12 of the Principal Act is amended as follows:

Committee Recommendation:

Any person who being a public officer, knowingly acquires or holds, directly or indirectly, otherwise as a member of a registered joint stock company consisting of more than twenty (20) persons, a private interest in any contract, agreement or investment emanating from or connected with the department or office in which he is employed or which is made on account of the public service is guilty of an offence, and shall on conviction be liable to imprisonment for seven (7) years (*Hon. Nduese Essien*).

Amendment Proposed:

Leave out the provision in the recommendation and *retain* the following provision in the Principal Act. Any person who being employed in the public service, knowingly acquires or holds, directly or indirectly, otherwise than as a member of a registered joint stock company consisting of more than twenty (20) persons, a private interest in any contract, agreement or investment emanating from or connected with the department or office in which he is employed or which is made on account of the public service is guilty of an offence, and shall on conviction be liable to imprisonment for seven (7) years (*Hon. Aminu Tambuwal*).

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

Section 14 of me Principal Act is amended as follows:

Committee Recommendation:

If the offence by means of which the thing was obtained is a felony, the offender shall on conviction be liable to imprisonment for three (3) years, except me thing so obtained was postal matter, or any chattel, money or valuable security contained therein, in which case the offender shall on conviction be liable to imprisonment for seven (7) years (*Hon. Nduese Essien*).

Amendment Proposed:

Leave out the provision in the recommendation and *retain* the following provision in the Principal Act. If the offence by means of which the thing was obtained is a felony, the offender shall on conviction be liable to imprisonment for three (3) years, except theto obtained was postal matter, or any chattel, money or valuable security contained therein, in which case the offender shall on conviction be liable to imprisonment for seven (7) years (*Hon. Ita Enang*).

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

Section 15(c) of the Principal Act is amended as follows:

Committee Recommendation:

- (c) omits, or is privy to omitting, any materials particular from any such book document, account or electronic record; is guilty of a felony, and shall on conviction be liable to seven (7) years imprisonment; (*Hon. Nduese Essien*) — *Agreed to.*

Section 16 of the Principal Act is amended as follows:

Committee Recommendation:

- (1) Any person who, being a public officer charged with the receipt, custody, use or management of any part of the public revenue or property, knowingly furnishes any false statement or return in respect of any money or property received by him or entrusted to his care, or of any balance of money or property in his possession or under his control, is guilty of an offence, and shall on conviction be liable to seven (7) years imprisonment.
- (2) Any person who is charged with the management or security or custody or maintenance or receipt of any public property, disposes of, negligently loses the property entrusted in his care or under his management or control or possession shall be guilty of an offence and shall be liable to 3 years imprisonment and a fine equal to the value of the property (*Hon. Nduese Essien*).

Amendment Proposed:

Leave out the provisions in the recommendation and *retain* the following provision in the Principal Act. Any person who, being an officer charged with the receipt, custody, use or management of any part of the public revenue or property, knowingly furnishes any false statement or return in respect of any money or property received by him or entrusted to his care, or of any balance of money or property in his possession or under his control, is guilty of an offence, and shall on conviction be liable to seven (7) years imprisonment (*Hon. ItaEnang*).

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

Chairman to report progress.

(HOUSE IN PLENARY)

Mr Speaker in the Chair, reported that the House in the Committee of Whole, considered the Report of the Joint Committee on Anti-Corruption and Justice on a Bill for an Act to Amend the Corrupt Practices and other Related Offences Act, 2003. It approved the amendments to Sections 3(7), new Section 3(8), Sections 3(9-14); 4(1-8), new Section 4(9); Sections 8(2), 8(3)00; 9(1), 9(2)(c) and **15(c)**.

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

7. Adjournment:

That this House do now adjourn till Thursday, 20 October, 2005 at 10.00 a.m. (*Hon. Abdul Ningi*).

Adjourned accordingly at 5.08p.m.

Aminu Bello Masari
Speaker
