



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Thursday, 20 October, 2005

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1. The House met at 10.48 a.m. Mr. Speaker read Prayers.
 2. Votes and Proceedings:
Mr Speaker announced that he had examined and approved the Votes and proceedings of Wednesday, 19 October, 2005.

By unanimous consent, the Votes and Proceedings was adopted.
 3. Announcements:
 - (i) *Conferment of Awards:*
Mr Speaker announced the conferment of the following awards on Hon. Nnanna Uzor Kalu:
 - (a) Doctor of Philosophy in Public Administration by the Atlas University, USA;
 - (b) Distinguished Leadership Fellowship in Accounting by the Institute of Certified Financial Accountants.
 - (ii) *Payment of Hajj Fares:*
Mr Speaker advised prospective Member-Pilgrims to the Lesser-Hajj to pay their fares to the House Committee on Foreign Affairs, in Committee Room 4, not later than Monday, 31 October, 2005.
 4. Petition:
A petition was received and referred to the Committee on Public Petitions:

Hon. Arole Fancy, from Yekini Abiodun, praying the House to intervene in his premature retirement from the Nigeria Prisons Service and to grant the reliefs sought in the petition.
 5. Presentation of Reports:
 - (i) *Committee on Capital Market Institutions:*
"That this House do receive the Report of the House Committee on Capital Market Institutions on A Bill for an Act to provide for the Establishment of Unclaimed Dividends Trust Fund, 2004",

Order read; deferred.
 - (ii) *Committee on Public Account:*
Motion made and Question proposed, "That this House do receive the Report of the House Committee on Public Accounts on the Findings and Recommendations on die Examinations conducted on Ministries and Agencies on the Auditor-General's Report on the Account of the Federation for 2000, 2001 and 2002 and Status Reports on some Parastatals" {Hon. Adeyemi Oluwole).

Question put and agreed to. Report

Laid.

- 6, (i) Consideration and Adoption of the Report of the Joint Finance Conference Committee on Virement Proposals to the Appropriation Act, 2005:
Motion made and Question proposed, "That the House do consider and adopt the Report of the Joint Finance Conference Committee Report on Virement Proposals to the Appropriation Act, 2005" (Hon. Farouk Lawari).

The 2005 Executive Request for Virements was presented to the House on 19th August, 2005:

The House considered the request and on Tuesday, 11 October, 2005 and Wednesday, 12 October, 2005 passed the Virement Proposals to the Appropriation Act, 2005 and approved the sum of Two Hundred and One Million (N201,000,000.00) and One Hundred and Twenty Million, Five Hundred Sixty Thousand Naira only (N 120,560,000.00) as Recurrent and Capital Expenditure for the Ministry of Education; Nineteen Billion, One Hundred and Eleven Million, Seven Hundred and Eighty-Two Thousand, Five Hundred and Sixty-Nine Naira only (N19.1l 1,782,569.00) as Capital Expenditure for the Ministry of Works; Ninety-Eight Million, Four Hundred and Forty-Seven Thousand, Seven Hundred and Seventy-Two Naira (N98,447,772.00), and One Hundred and Two Million, Nine Hundred and Eighty Thousand, One Hundred and Sixty Naira Only (N102,980,160.00) as Recurrent and Capital Expenditures for the Federal Character Commission; and Eight Billion, Eight Hundred and Twelve Million, One Hundred and Sixty-Eight Thousand, Two Hundred and Ten Naira (N8,812,168,210.00) only as Capital Expenditure for the Ministry of Power and Steel;

The Senate had earlier approved Virement Proposals to the Appropriations Act, 2005 and approved the sum of Seven hundred and fifty-four million, six hundred and forty-two thousand, eight hundred and ninety-eight Naira (N7 54,642,898.00) only as Capital Expenditure for the Ministry of Education; Twenty-three billion, five hundred and four million, five hundred and eight-five thousand, eight hundred and ninety-nine Naira (N23,504,585,899.00) as Capital Expenditure for the Ministry of Works; Fifty-two million, three hundred and twenty-eight thousand and ten Naira (N52,328,010.00), One hundred and two million, nine hundred eighty thousand, one hundred and sixty Naira (H 102,980,160.00) only as Recurrent and Capital Expenditures for the Federal character Commission; and Nine Billion, one hundred and two million, two hundred and forty-eight thousand, two hundred and ten Naira (N9,102,248,210.00) as Capital Expenditure for the Ministry of Power and Steel respectively for the same purpose and sought House concurrence;

The two Chambers met on 17 and 18 October, 2005 to resolve the differences in the two approvals granted to the above Ministries/Agencies and upheld the sum of Two hundred and one million Naira (N201,000,000.) granted by the House, approved the sum of Seven hundred and fifty-four million, six hundred and forty-two thousand, eight hundred and ninety-eight Naira (N754,642,898.00) only as Recurrent and Capital Expenditures for the Ministry of Education; upheld the sum of Nineteen Billion, One Hundred and Eleven Million, Seven Hundred and Eighty-Two Thousand, Five Hundred and Sixty-Nine Naira only (N19.1l 1,782,569.00) only as Capital Expenditure for the Ministry of Works as granted by the House; upheld the sum of Ninety-Eight Million, Four Hundred and Forty-Seven Thousand, Seven Hundred and Seventy-Two Naira (N98.447,772.00) and One hundred and two million, nine hundred eighty thousand, one hundred and sixty Naira (N102,980,160.00) only as Recurrent and Capital Expenditures for the Federal Character Commission as granted by House; and upheld the sum of Eight Billion, Eight Hundred and Twelve Million, One Hundred and Sixty-Eight Thousand, Two Hundred and Ten Naira (N8,812,168,210.00) only as Capital Expenditure for the Ministry of Power and Steel as granted by the House;

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

THEREFORE BE IT RESOLVED;

That the Conference Report approving Virement Proposals to the Appropriations Act, 2005 in respect of the above Ministries/Agencies be received, considered and adopted.

Question put and agreed to.

- (ii) Consideration and Adoption of Conference Report on the Trafficking in Persons (Prohibition) Law Enforcement and administration (Amendment) Bill, 2005:
Motion made and Question proposed, "That the House do consider and adopt the Conference Report on the Trafficking in Persons (Prohibition) Law Enforcement and administration (Amendment) Bill, 2005 (Hon. Tsegba Terngu).

The House on Wednesday, 31st August, 2005, passed the Trafficking in Persons (Prohibition) Law Enforcement and administration {Amendment} Bill, 2005;

The Joint Committee met in Conference on Tuesday, 11 October, 2005, and resolved the differences arising there from and accepted a harmonized version of the Bill;

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

Be it resolved that the House do consider and adopt the Conference Report on the Trafficking in Persons (Prohibition) Law Enforcement and administration (Amendment) Bill, 2005 (*Hon. Tsegba Terngu*).

Question put and agreed to.

6. Consideration of Reports:

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 IN 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 17 of the Principal Act is amended as follows;

Committee Recommendation:

- (c) gives to any agent or uses with intent to deceive his principal, any receipt, account or other documents in respect of which the principal is interested and which contains any statement which is false or erroneous or defective in any material particular and is intended to mislead his principal or any other person is guilty of an offence and shall on conviction be liable to five (5) years imprisonment (*Hon. Nduese Essien*).

Amendment Propose:

In line 4, after the words "liable to" *insert* the words "a term of not more than" (*Hon. N. C. Ughanze*).

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

Section 21 of the Principal Act is amended as follows:

Committee Recommendation:

- (1) Any person who, without lawful authority or reasonable excuse, offers any gratification or advantage to a public officer as an inducement to or reward for or otherwise on account of that other person's refraining or having refrained from bidding at any auction conducted by or on behalf of any public body, shall be guilty of an offence.
- (2) Any person, without lawful authority or reasonable excuse, solicits or accepts any gratification or advantage as an inducement or reward for or otherwise on account of his refraining or having refrained from bidding at any auction conducted by or on behalf of any public body, shall be guilty of an offence (*Hon. Nduese Essien*).

Amendment Proposed:

- (i) Inline 1, after the word "who", *leave out* the words "without lawful authority or reasonable excuse" (*Hon. Leo Ogor*).

Question that the amendment be made, put and negatived.

- (/) Retain provision in the Principal Act (*Hon. ha Enang*).

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

Section 22 of the Principal Act is amended as follows:

Committee Recommendation:

- (4) Any public officer who in the discharge of his official duties in the award, signing of or payment for any contract or acts in violation of laid down procedure on the award, signing of or payment for any contract or without budgetary provision or without necessary approval from the competent authority, shall be guilty of an offence under this Act and on conviction be liable to three (3) years imprisonment or a fine of three hundred thousand Naira or the value of the contract whichever is higher (*Hon. Nduese Essien*).

Amendments Proposed:

- (i) In Section 22 (2), retain provision in the Principal Act (*Hon. N. C. Ughanze*).

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

- (ii) In subclause (4), retain provisions in the Principal Act (*Hon. Wunmi Bewaji*).

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

- (iii) In the Principal Act, in line 3, after the word "provision", leave out the words "approval and cash backing" (*Hon. Wunmi Bewaji*).

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

Committee Recommendation:

Section 22 (5):

- (5) Any public officer who in the discharge of his duties, receives money or any proceeds of sale of goods and services or any other assets which, under section 162 (1) of the Constitution of the Federal Republic of Nigeria are payable into the Federation Account, Consolidated Revenue Fund of the Federation or consolidated Revenue Fund of a State, as the case may be, and fails to pay the money or proceeds into the appropriate account, as the case may be, shall be guilty of an offence and on conviction liable to imprisonment for a term not less than ten (10) years without option of fine and in addition the amount involved shall be recovered from the culprit (*Hon. Nduese Essien*)~*Agreed to.*

Committee Recommendation:

New Section 22 (6):

- (6) Any public officer who transfers or spends any sum of money allocated for a particular project or service, on another project or service, shall be guilty of an offence under this Act and on conviction be liable to five years imprisonment or a fine of one hundred thousand Naira or both (*Hon. Nduese Essien*)—*Agreed to.*

Section 23 of the Principal Act is amended as follows:

Committee Recommendation:

Section 23(1):

- (1) Any public officer to whom any gratification is given, promised, or offered, in contravention of any provision of this Act shall report such gift, promise or offer together with the name, if known, of the person who gave, promised or offered such gratification to him to the nearest officer of the Commission or a Police Officer, who shall report same to the Commission within 7 days of the receipt of the report to him (*Hon. Nduese Essien*).

Amendment Proposed:

Retain provision in the Principal Act (*Hon. ha Enang*).

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

Committee Recommendation:

Section 23 (2):

- (2) Any person from whom any gratification has been solicited or obtained, or from whom an attempt has been made to obtain such gratification, in contravention of any provision of this Act shall at the earliest opportunity, thereafter, report such soliciting or obtaining, or attempt to obtain the gratification together with the name, if known, or a true and full description of the person who solicited, or obtained, or attempted to obtain the gratification from him, to the nearest officer of the Commission or a Police Officer, who shall report same to the Commission within 7 days of the receipt of the report to him {*Hon. Nduese Essieri*}.

Amendment Proposed:

Retain provision in the Principal Act {*Hon. Chidi Duru*}.

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

Section 25 of the Principal Act is amended as follows:

Committee Recommendation:

Section 25 (2):

- (2) Where any person who has made a statement to an officer of the Commission or to the Attorney-General in the course of such officer or Attorney-General exercising any power conferred by this Act, subsequently thereto makes any other statement to any person having authority or power under any law to receive or require to be made such other statement, regardless of whether or not the person making the statement is under a legal or other obligations to tell the truth, he shall, if such other statement is inconsistent with any statement previously made to an officer of the Commission, Attorney-General or such other Public Officer, be guilty of an offence and shall on conviction be liable to a fine not exceeding fifty thousand Naira or to imprisonment for a term not exceeding two years or to both {*Hon. Nduese Essien*}.

Amendment Proposed:

Retain provision in the Principal Act {*Hon. Obeten Obeteri*}.

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

Committee Recommendation:

Section 25 (4):

- (4) Any person who presents any false receipt, account certificate, record or any document to any other person, public officer or public body with intent to deceive or defraud or mislead such other person or public officer or public body shall be guilty of an offence and on conviction shall be liable to a term of imprisonment for a term not exceeding two years or a fine of fifty thousand Naira {*Hon. Nduese Essien*}.

Amendment Proposed:

Retain provision in the Bill {*Hon. N. C. Ughanze*}.

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

Section 26 of the Principal Act is amended as follows:

Committee Recommendation:

Section 26(1):

- (1) Any person who—

- (a) attempts to commit any offence under this Act;
- (b) does any act preparatory to or in furtherance of the commission of any offence under this Act; or
- (c) abets or is engaged in a criminal conspiracy to commit any offence under this Act;
- (d) commits any offence under this Act;

shall be guilty of an offence and shall, on conviction, be liable to the punishment provided for such offence and where no punishment is prescribed, shall be liable to one year imprisonment under this Act {*Hon. Nduese Essien*}.

Amendment Proposed:

Retain provision in the Principal Act (*Hon. Wunmi Bewaji*).

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

Committee Recommendation:

Section 26 (2) - (4):

- (2) "Prosecution for an offence under this Act shall be initiated by the Attorney-General of the Federation or any person or authority to whom he has delegated his authority, in any superior court of record so designated by the Chief Judge of the Federal High Court under Section 61 (3) and (5) of this Act, and every prosecution for an offence under this Act or any other law prohibiting bribery, corruption, fraud or any other related offence shall be deemed to be initiated by the Attorney-General of the Federation".
- (3) "Prosecution of offences under this Act shall be given speedy trial".
- (4) "Where the penalty prescribed for an offence under this Act does not exceed on the aggregate a term of three (3) years imprisonment, the offender shall be summarily tried and sentenced accordingly (*Hon. Nduese Essien*).

Amendment Proposed:

Retain provisions in the Principal Act (*Hon. Obeten Obeteri*).

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

Section 28 of the Principal Act is amended as follows:

Committee Recommendation:

Section 28 (7):

- (7) Where any person discloses any information or produces any book, document or article pursuant to Subsections (1), (3) and (5), neither the first-mentioned person, nor any other person on whose behalf or direction or as whose agent or employee the first mentioned person may be acting, shall on account of such disclosure or production, be liable to any prosecution, except a prosecution for an offence under or by virtue of any written law or to any proceeding or claim by any person under or by virtue of any law or under or by virtue of any contract, agreement or arrangement, or otherwise (*Hon. Nduese Essien*).

Amendment Proposed:

Retain provision in the Principal Act (*Hon. Ha Enang*).

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

Committee Recommendation:

Section 28 (8):

- (8) An officer of the Commission examining a person under section 27 of this Act, shall record in writing any statement made by the person and the statement so recorded shall be read over to the maker who on being satisfied that it is a true record of his statement shall sign same before a superior officer of the Commission; and where such person refuses to sign the record, the officer shall endorse thereon under his hand the fact of such refusal and the reasons therefore, if any, stated by the person examined; and any person who shall write for a person who is an illiterate shall also write on such document his own name and address as the writer of the document (*Hon. Nduese Essien*).

Amendment Proposed:

Leave out all the words in the Recommendation and insert as follows:

"An officer of the Commission examining a person under Section 27 of this Act, shall record in writing any statement made by the person as provided in the Evidence Act" (*Hon. Chidi Duru*).

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

Committee Recommendation:

Section 28 (9):

- (9) The record of an examination under section 27, a written statement on oath or affirmation made pursuant to or any book, document or article produced under section 27, or otherwise in the course of an examination under section 29, or under a written statement on oath or affirmation made pursuant to sections 28 and 29 shall notwithstanding any written law or rule of law to the contrary, be admissible in evidence in any proceedings in any court (*Hon. Nduese Essien*)—*Agreed to.*

Committee Recommendation:

Section 28 (11):

- (11) "In any trial for an offence under this Act, the fact that an accused person is in possession of pecuniary resources or property for which he cannot satisfactorily account and which is disproportionate to his known income, or that he had at or about the time of the alleged offence, obtained an accretion to his pecuniary resources or property for which he cannot satisfactorily account, may be proved and may be taken into consideration by the Court as corroborating the testimony of any witness at the trial" (*Hon. Nduese Essien*).

Amendment Proposed:

In line 5, after the word "account", *leave out* the words "may be proved" (*Hon. Francis Amadiogwu*).

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 and approved Section 17 (c), as amended, Section 21 (1), (2), (4), as amended, approved new Subsection (6) and retained Subsection (6) in the Act as new Subsection (7), retained Section 23 (1) - (2), as amended, retained Section 25 (2) and approved new Subsection (4), retained Section 26 in the Principal Act and amended Section 28 (8).

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

Suspension of Plenary Sessions:

Mr Speaker remarked that Plenary Sessions of the House would be suspended till Friday, 28 October, 2005, to enable Standing Committees of the House focus on their oversight functions. The House would, thereafter, adjourn for the Eid-El-Fitri Festival till Tuesday, 8 November, 2005.

Adjournment:

That this House do now adjourn till Tuesday, 8 November, 2005 at 10.00 a.m. (*Hon. Abdul Ningi*).

Adjourned accordingly at 1.28 p.m.

Aminu Bello Masari
Speaker