



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 8 November, 2005

1. The House met at 10.22 a.m. Mr Deputy Speaker read Prayers.
2. Votes and Proceedings:
Mr Deputy Speaker announced that he had examined and approved the Votes and Proceedings of Tuesday, 25 October, 2005.

By unanimous consent, the Votes and Proceedings was adopted.

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



PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA

PRES/134

25 October, 2005

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

Dear Hon. Speaker,

**A BILL FOR AN ACT FOR A SUPPLEMENTARY BUDGET OF \$12.4 BILLION US
DOLLARS TO PAY OUTSTANDING DEBT TO PARIS CLUB OF CREDITORS**

I hereby present, for formal consideration and passage into law by the House of Representatives, the attached Bill which provides for the issue out of the Federation Account an additional total sum of HI,612,000,000,000.00 or equivalent of US\$12,400,000,000.00 for the payment of outstanding debt to the Paris Club of creditors.

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

Yours sincerely,

*(Signed) OLUSEGUN
OBASANJO*

Bill referred to the Committee on Rules and Business.

4. **Announcements:***Obituary:*

Mr Deputy Speaker announced with regret, the death of the mother of Hon. Bala Ibn Na'Allah on Sunday, 6 November, 2005. She had since been buried according to Islamic rites. He also informed the House that Hon. Tony Aziegbemi had written to announce the death of his father, Pa Asiegbemi. The deceased would be buried on November 11, 2005 at Emu, Esan South/East Local Government Area of Edo State. Hon. Tony Aziegbemi advised Members desirous of attending the burial rites to contact Hon. Oiboh Gabriel or submit their names in Box 246. Accommodation would be reserved at Nova Hotel, Uromi, Edo State.

(A minute in silence was observed; Hon. Sani Toro and Hon. Ozomgbachi respectively, rendered Muslim and Christian prayers for the repose of the souls of the deceased)

5. **Presentation of BUI:**

Civil Aviation Bill, 2005 (HB. 197)—*Read the First Time.*

6. **A Bill for an Act to Regulate the Establishment of Mental Health Institutions in the Federation by Government, Private Organisations or Individuals, and to Proffer Standards, Rules and Other Incidental Matters for the Treatment, Care and Security of Mentally-Ill Persons, and to Repeal Certain Acts or Parts of Acts Specified Therein, 2004 (SB.17)—Second Reading {Adjourned Debate-. 22/9/2005):**

Pursuant to the mandate of the House to the Joint Committee on Justice, Judiciary and Health on September 22, 2005, to reexamine the provisions of the Bill and advise the Leadership of the House, the Deputy House Leader, Hon. Gilbert Nnaji, in a verbal report, informed the House that the Bill was not in conflict with existing Statutes. He urged the House to resume debate on the general principles of the Bill.

Debate:

Joint Committee on Justice, Judiciary and Health ordered to furnish the House with a written Report on the Bill as well as on A Bill for an Act to Amend the Psychiatric Hospitals Management Board Act, to Create a Separate Board for Each of the Psychiatric Hospitals in the Federation, and to Provide for Other Matters Connected Therewith, 2004 to guide the House.

S. **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. Nduesse Essien).

HOUSE IN COMMITTEE

{Mr Deputy Speaker in the Chair}

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

Section 29 of the Principal Act is amended as follows:

Committee Recommendation:

Subject to the provisions of sections 29 to 34 of this Act the Commission may issue a summons directed to a person complained against or any other person to attend before the Commission for the purpose of being examined in relation to the complaint or in relation to any other matter which may aid or facilitate the investigation of the complaint; and a summons so issued shall state the grounds for the summons {Hon. Nduesse Essien)—*Agreed to.*

Section 33 of the Principal Act is amended as follows:

Committee Recommendation:

Where a summons has been served on the person to whom it is addressed or is delivered to any person, the person to whom it is addressed or delivered, as the case may be, shall sign a receipt therefore on the duplicate and where service is not effected by handing the summons to an individual but by some other methods approved by this Act, the person effecting service shall endorse on the duplicate particulars of the method by which the service was effected, accompanied by a sworn affidavit of service {Hon. Nduesse Essien)—*Agreed to.*

Section 35 of the Principal Act is amended as follows:

Committee Recommendation:

When the Commission is satisfied that a summons directed to a person complained against or any person has been served and that person does not appear at the time and place appointed in the summons, the Commission shall have power to arrest and detain any such person, until the person complies with the summons (*Hon. Nduese Essien*)—*Agreed to.*

Section 42 (1) of the Principal Act is amended as follows:

Committee Recommendation:

42 (1) Subject to the provisions of this Act, every offence under this Act shall be bail able (*Hon. Nduese Essien*).

Amendment Proposed:

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

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

Section 50 (2) of the Principal Act is amended as follows:

Committee Recommendation:

- (2) A notice under Subsection (1) of this section shall be served personally and where however it is not possible to effect personal service the notice may at the instance of the Chairman be published in English language in at least two national newspapers circulating in Nigeria (*Hon. Nduese Essien*).

Amendment Proposed:

Leave out all the words in the Committee Recommendation and *insert* the following instead thereof:

"A notice under Subsection (1) shall be served personally on the person to whom it is addressed or in such manner as may be ordered by the court" (*Hon. ha Enang*).

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

Section 50 (3) of the Principal Act is amended as follows:

- (3) Where a notice has been served personally on the person to whom it is addressed or if within a week of publication of such notice in the newspapers, the person to whom the service is directed fails to surrender his passport or exit permit or any other travel document, he shall be guilty of any offence and shall on conviction be liable to a fine not exceeding fifty thousand naira or to imprisonment for a term not exceeding three years or both fine and imprisonment (*Hon. Nduese Essien*).

Amendment Proposed:

In line 1, immediately after the word "person", *insert* the words "or in such manner as may be ordered by the Court" (*Hon. ha Enang*).

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

Section 50 (4) of the Principal Act is amended as follows:

- (4) A person not being an officer or staff of the Commission who falsely claims, assumes or impersonates or pretends to be an officer of the Commission or a member or staff of the Commission for the purpose of obtaining an advantage for himself or another person or purports to exercise any or all of the powers of the Commission or secure admission into any house or other places or do anything which such person is not entitled by law to do on his own authority, shall be guilty of an offence and on conviction therefore shall be liable to imprisonment for a term of one year or a fine of fifty thousand Naira (*Hon. Nduese Essien*).

Amendment Proposed:

Leave out all **the** words in the proviso (*Hon. Tsegba*).

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

Section 50 (5) of the Principal Act is amended as follows:

- (5) Any person called upon to aid or assist an officer of the Commission being assaulted or facing resistance from a person being apprehended for the commission of an offence under this Act and the person called upon refuses or neglects to act or assist the officer of the Commission shall be guilty of an offence and on conviction be liable to a term of imprisonment not exceeding six (6) months or fine of twenty (20) thousand Naira (*Hon. Nduese Essien*).

Amendment Proposed:

Leave out all the words in Subsection (5) (*Hon. Tsegba*).

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

- (6) (a) Notwithstanding anything to the contrary in this Act or any other enactment or law, a public officer against whom a charge has been preferred in a court of competent jurisdiction this Act shall cease to perform the function of his office and shall remain so suspended or interdicted from carrying out the duties of the office until the case against him is finally determined by the trial court.
- (b) Notice of the preferment of the charge or copy of the charge before the court shall be served by the Commission on the employer or head of department or ministry or agency under whom the public officer last served before the arraignment (*Hon. Nduese Essien*).

Amendment Proposed:

Leave out all the words in Subsection (6) (a) (*Hon. Ita Enang*),

Question that the amendment be made put and agreed to.

Question that Section 50, as amended, stand part of the Bill, put and agreed to.

Section 52 of the Principal Act is amended as follows:

Committee Recommendation:

- (1) Where any allegation of corruption or any doing purporting to contravene any provision of this Act is made against the President or the Vice-President of Nigeria or against any Governor or Deputy Governor of a State, the Chief Justice of Nigeria shall, if satisfied that sufficient cause has been shown, upon any petition or letter of request accompanied by an affidavit in support setting out the facts on which the allegation is based, appoint an Independent Counsel (who shall be a legal practitioner of not less than twenty years standing) to investigate the allegations and make a report of his findings to the Chief Justice of Nigeria and the National Assembly in the case of the President or Vice-President and to the relevant State House of Assembly in the case of a State Governor or Deputy-Governor of a State who, upon the receipt of the report, shall deliberate on the report and take any necessary and appropriate action in the circumstance (*Hon. Nduese Essien*).

Amendment Proposed:

In line 6, immediately after the words "not less than" in line 6, *leave out* the figure "20" and *insert* the figure "15" instead thereof (*Hon. Andrew Uchendu*).

Question that the amendment be made, put and agreed to

Section 52 (2) of the Principal Act is amended as follows:

- (2) The Commission shall co-operate with the Independent Counsel and provide him with all facilities necessary for the carrying out of his functions (*Hon. Nduese Essien*)—*Agreed to.*

Section 52 (3) of the Principal Act is amended as follows:

- (3) The Independent Counsel shall begin and conclude his investigation within six weeks from the date the assignment was given him unless the Chief Justice of Nigeria, upon an application by the Independent Counsel, grants an extension of time for the completion of the assignment (*Hon. Nduese Essien*)—*Agreed to.*

Section 56 of the Principal Act as amended as follows:

Committee Recommendation.'

- (1) In any trial or inquiry by a court into any offence under this Act any statement, whether the statement amounts to a confession or not oral or written or recorded by electronic means

made at any time, whether before or after the person is charged and whether or not in the course of an investigation, and whether wholly or partly in answer to question, by the accused person to or in the hearing of any officer of the Commission, whether or not interpreted to him by any officers of the Commission or any other person concerned or not in the arrest of that person, shall, notwithstanding any written law or rule of law to the contrary, be admissible in evidence at the trial;

PROVIDED THAT the officer who procured such statement shall make himself available at the trial for the purpose of cross-examination (*Hon. Nduese Essien*)—*Agreed to*.

- (2) Where any person is arrested or informed that he may be prosecuted for an offence under this Act, he shall be cautioned in writing and the words of caution shall be explained to him thus—

"You have been arrested on an allegation concerningand whatever you say or write may be used against you in any court of law" (*Hon. Nduese Essieri*)—*Agreed to*.

Section 57 of the Principal Act is amended as follows:

Committee Recommendation:

- (c) all photographic or electronic evidence shall be admissible (*Hon. Nduese Essien*).

Amendment Proposed:

Retain the provision in the Bill (*Hon. N. C. Ughanze*).

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

Section 61 of the Principal Act is amended as follows:

Committee Recommendation:

- (1) 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 done with the consent of the Attorney General of the Federation and the Commission may engage the service of any private legal practitioner of not less than five (5) years post-call experience to prosecute any offence committed under this Act (*Hon. Nduese Essieri*).

Amendment Proposed:

Retain provision in the Bill (*Hon. Frank Ineke*).

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

Section 61 (2):

Committee Recommendation:

- (2) Without prejudice to any other laws prohibiting bribery, corruption, fraud and any other related offence by public officers or other persons, a public officer or any other person may be prosecuted by the appropriate authority for an offence of bribery, corruption, fraud and any other related offence committed by such public officer or other person contrary to any laws in force before and after the coming into effect of this Act and nothing in this Act shall be construed to derogate from or undermine the right or authority of any persons or authority to prosecute offenders under any other laws (*Hon. Nduese Essieri*)—*agreed to*.

PROVIDED THAT where the Commission had decided to prosecute any public officer or any person for an offence under this Act the Commission shall have primacy over any other person or authority having power to prosecute the public officer or person for an offence of bribery, corruption, fraud or any other related offences committed (*Hon. Nduese Essien*).

Amendment Proposed:

Leave out all the words in the proviso (*Hon. ha Enang*).

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

Committee Recommendation:

Section 61 (3) The Federal High Court shall have exclusive jurisdiction to try all offences created by this Act (*Hon. Nduese Essieri*).

Amendments Proposed:

(i) In line 1, *leave out* the word "exclusive" (*Hon. N. C. Ughanze*).

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

(it) In line 1, after the words "Federal High Court", *insert* the words "State High Courts" and "High Court of the Federal Capital Territory" (*Hon. N. C. Ughanze*).

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

Section 61 (4):

Committee Recommendation:

(4) The Federal High Court shall also have exclusive jurisdiction to hear and determine all matters relating to or connected with the trial of any person under this Act be it civil or criminal (*Hon. Nduese Essien*).

Amendment Proposed:

Leave out all the words in the proviso and *insert* the following instead thereof:

"The Federal High Court, the State High Courts and the High Court of the Federal Capital Territory shall have jurisdiction to hear and determine all matters relating to or connected with the trial of any person under this Act be it civil or criminal " (*Hon. N. C. Ughanze*).

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

Committee Recommendation:

(5) The Chief Judge of the Federal High Court may by order under his hand, establish judicial divisions in each State of the Federation or in any geopolitical zone of the country (*Hon. Nduese Essien*).

Amendment Proposed:

Leave out all the words in the Committee Recommendation (*Hon. N. C. Ughanze*).

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

Committee Recommendation:

(6) A Judge of the Federal High Court deployed or designated to any judicial division established by Subsection (5) of this section shall only try offences created by this Act or hear and determine matters arising from the operations of this Act (*Hon. Nduese Essien*).

Amendment Proposed:

Leave out all the words in the Committee Recommendation (*Hon. Chidi Duru*).

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

Committee Recommendation:

(7) All pending cases commenced under the repealed Acts shall be concluded by the Judge to which they had been assigned before the commencement of this Act (*Hon. Nduese Essien*).

Amendment Proposed:

Retain proviso in the Bill and in line 1, *leave out* the word "Judge" and *insert* the word "Court" instead thereof (*Hon. Frank Ineke*).

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

Section 64 of the Principal Act is amended as follows:

Committee Recommendation:

(4) The Commission shall provide adequate protection to any such informant and shield him from any attack or harassment (*Hon. Nduese Essien*).

Amendment Proposed:

Leave out all the words in Committee Recommendation and *retain* the provision in the Bill instead thereof (*Hon. Umar*).

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

Section 72 of the Principal Act is amended as follows:

Committee Recommendation:

- (1) The provision of Section 3 (3) of this Act shall not come into force until the expiration of tenure of the current Chairman and members of the Commission (*Hon. Nduese Essien*)—*Agreed to.*
- (2) Notwithstanding anything to the contrary in this Act, the Commission shall submit an Annual Report of its activities to the National Assembly and publish the report for the information of members of the public (*Hon. Nduese Essien*).
- (3) The Commission may from time to time seek the co-operation of other law enforcement agencies to strengthen its relationship with such agencies (*Hon. Nduese Essien*).
- (A) The Commission may co-operate with NGOs and other anti-corruption agencies to foster the promotion of a transparent and corruption-free Nigeria (*Hon. Nduese Essien*).
- (5) The Commission may, from time to time, set up an advisory body, appoint consultants and experts as may be necessary to assist the Commission in the performance of its functions (*Hon. Nduese Essien*).
- (6) The Commission shall from time to time organize workshops, seminars and conferences geared towards the development, promotion and stimulation of public awareness and enlisting public support against corruption in Nigeria (*Hon. Nduese Essien*).

Amendment Proposed:

Leave out all the provisions in Subsections (2), (3), (4), (5) and (6) (*Hon. Francis Amadiogwu*).

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

Section 73 of the Principal Act is amended as follows:

Committee Recommendation:

The Corrupt Practices and Other Related Offences Act, 2000 and the Corrupt Practices and Other Related Offences Act, 2003, are hereby repealed (*Hon. Nduese Essien*)—*Agreed to.*

Section 74 of the Principal Act is amended as follows:

Committee Recommendation:

The repeal of the Acts specified in Section 73 of this Act shall not invalidate any act, investigation, prosecution, court proceedings, enforcement, order, judgment or any thing done or purported to be done under or pursuant to the said repealed Acts. Accordingly, any offence committed or proceedings instituted before the commencement of this Act shall be enforced or continue to be enforced by the Independent Corrupt Practices and Other Related Offences Commission established under this Act (*Hon. Nduese Essien*)—*Agreed to.*

Section 75 of the Principal Act is amended as follows:

Committee Recommendation:

This Act may be cited as the Corrupt Practices and Other Related Offences (Amendment) Act, 2005 (*Hon. Nduese Essien*).

Amendment Proposed:

Immediately after the word "offences" in line 1, *leave out* the word "Amendment" (*Hon. Ha Enang*).

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

Explanatory Memorandum is amended as follows:

The Act seeks to re-enact the Corrupt Practices and Other Related Offences Act which prohibits and prescribes punishment for corrupt practices and other related offences.

It introduces amendments to give effect to the decision of the Supreme Court with respect to the Commission's powers to investigate and prosecute offenders under the repealed Act.

The Act makes provision for the protection of informants and shields them from harassment or attack. It also confers exclusive jurisdiction on the Federal High Court to deal with offences created under the Act (*Hon. Nduese Essien*).

Amendment Proposed:

Leave out all the words in paragraph 2 of the Explanatory Memorandum {Hon. Francis Amadiogwu}.

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

Chairman to report Bill.

HOUSE IN PLENARY

Mr Deputy Speaker in the Chair, reported that the House in the Committee of Whole, considered the Report of the Joint Committee on Anti-Corruption and Justice on A Bill for an Act to Amend the Corrupt Practices; and other Related Offences Act, 2003 and approved Sections 29 to 41, 42, as amended, 43 to 49, 50, as amended, 51, 52, as amended, 53 to 56, 57, as amended, 58 to 60, 61, as amended, 62 and 63, 64, as amended, 65 to 74, 75, as amended and the Explanatory Memorandum, as amended,

9. Adjournment:

That this House do now adjourn till Wednesday, 9 November, 2005 at 2.00 p.m. (*Hon. Gilbert Nnaji*).

Adjourned accordingly at 12.55 p.m.

Austin Opara
Deputy Speaker

CORRIGENDUM

In the Votes and Proceedings of Thursday, 20 October, 2005:

A Bill for an Act to Amend the Corrupt Practices and Other Related Offences, 2003—Page 358, Immediately after New Section 22 (6), *insert* as follows:

Amendment Proposed:

Insert a new Section 22 (7) as follows:

Any Public officer who refuses, neglects or does not execute or fund a budget approved and signed into law when there are sufficient funds for it shall be guilty of an offence under this Act and on conviction be liable to one year imprisonment or a fine of one million Naira (*Hon. C. I. D. Maduabam*).

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