



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Wednesday, 20 May, 2009

1. The House met at 2.45 p.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, 19 May, 2009.

By unanimous consent, the Votes and Proceedings was adopted.
3. **Announcement:**
Visitors:
Mr Speaker recognized the presence in the Gallery, of the Honourable Councillors from Coker/Aguda Local Development Area Council, Surulere II, Lagos State.
4. **Petitions:**
The following Petitions were received and referred to the Committee on Public Petitions:
 - (i) Hon. Ogbuefi Ozomgbachi (*Udi/Ezeagu Federal Constituency*), from:
 - (a) Ogbo Stephen, praying the House to investigate his alleged wrongful dismissal from the Nigerian National Petroleum Corporation, Enugu Depot with a view to re-instating him;
 - (b) Igweh Richard, praying the House to investigate the alleged wrongful termination of his appointment from the Nigerian Postal Service (NIPOST) with a view to re-instating him;
 - (ii) Hon. Halims Agoda (*Ethiopia East/Ethiopia West Federal Constituency*), from S. N. Ekpemin on behalf of Globe Inspection Nigeria Limited, praying the House to intervene in the non-inclusion of indigenous and highly experienced Oil Servicing Company in the award of the Pre-Shipment Inspection Contracts;
 - (iii) Hon. Peter Linus Umoh (*Oron Federal Constituency*), from Amayak Essien-Obot, praying the House to intervene in the alleged infringement of his fundamental human rights by the University of Jos.
5. **Matter of Urgent Public Importance:**
Citing Order VIII, Rule 4 (3) of the House Standing Orders, Hon. Halims Agoda drew the attention of the House to the prevailing major confrontation between the Militants and the Military Joint Task Force in the Niger Delta with the accompanying refugee crises and displacement of a good number of citizens in the region. He urged the House to consider the matter as one of Urgent Public Importance.

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

Matter to stand over till the next Legislative Day.

6. Presentation of Bills:

- (i) Manufacturing and Expiry dates on Tyres (Mandatory) Bill, 2009 — *Read the First Time.*
- (ii) National Youth Service Corps Act (Amendment) Bill, 2009 — *Read the First Time.*
- (iii) Banks and Other Financial Institutions Bill, 2009 — *Read the First Time.*

7. Presentation of Report:***Committee on Water Resources:***

Motion made and Question proposed, "That this House do receive the Report of the Committee on Water Resources on a Bill for an Act to Amend the River Basins Development Authorities (Establishment, etc.) Act; to Provide for the Establishment of the Lower Anambra and Upper Niger Basin Development Authorities and List same into the First Schedules of the Act and for Other Related Matters, 2008" (*Hon. Terngu Tsegba*).

Question put and agreed to.

Report laid.

8. Academic Staff Union of Universities (ASUU) Nationwide Strike *vis-a-vis* its implication on the society: The House:

Notes the importance and significance of Education to the well being of the Nigerian youths and the development of any nation;

Further notes that the Academic Staff Union of Universities (ASUU) has embarked on a nationwide strike over the refusal of the Federal Government of Nigeria to fulfill the agreement entered into in October, 2008;

Worried that the strike will adversely affect millions of the Nigerian youths;

Concerned that such strike will add to the problems of thousands of Nigerian youths already roaming the streets;

Resolves to:

- (i) Mandate the Committee on Education to intervene with a view to resolving the matter and report to the House within two weeks;
- (ii) Urge the Academic Staff Union of Universities (ASUU) to suspend the strike pending the outcome of the House Committee on Education's intervention (*Hon. Mohammed Ali Ndume*).

Debate:

Amendment Proposed:

In Prayer (i) immediately after the word "Education", *insert* the following words "Committee on Labour, Employment and Productivity" (*Hon. Herman Hembe*).

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

Main Question as amended put and agreed to.

The House:

Noted the importance and significance of Education to the well being of the Nigerian youths and the development of any nation;

Further noted that the Academic Staff Union of Universities (ASUU) has embarked on a nationwide strike over the refusal of the Federal Government of Nigeria to fulfill the agreement entered into in October, 2008;

Worried that the strike would adversely affect millions of the Nigerian youths;

Concerned that such strike would add to the problems of thousands of Nigerian youths already roaming the streets;

Resolved to:

- (i) Mandate the Joint Committee on Education and Labour, Employment and Productivity to intervene with a view to resolving the matter and report to the House within two weeks;
- (ii) Urge the Academic Staff Union of Universities (ASUU) to suspend the strike pending the outcome of the House Committee on Education's intervention (HR. 33/2009).

9. Idle Education Funds:
The House:

Notes that an unusual large sum of money allegedly classified as idle funds is being held by the Education Trust Fund;

Aware that these funds amounting to ₦22.6 billion (Twenty-Two Billion, Six Hundred Million Naira) is designed as quick intervention funds for further infrastructural development of Educational Institutions;

Worried that in spite of such idle funds being available to boost Infrastructure in Education, the Academic Staff Union of Universities continues to cry for paucity of funds, for increases in the funding of the Educational Sector;

Disturbed by the enormity of the infrastructural decay in the Educational Sector, coupled with the accompanying fall in the standards of teaching, research and morale among Students and Academic Staff of Tertiary Institutions;

Regrets that these idle funds of ₦22.6 billion is quite a sizeable amount that, if utilized urgently for the purposes it is meant for, would mark the beginning of a renewed commitment and drive to boost the state of education in the country.

Resolves to;

- (i) Mandate the Committee on Education to immediately investigate the circumstances that led to the accumulation of such amount of money over a period of eight years without releasing them to the institutions and agencies for which they were intended, and determine the interest the funds have accumulated over the years and report to the House within six weeks;
- (ii) Urge the Education Trust Fund to give the affected tertiary institutions, State Ministries of Education and the Universal Basic Education Boards an extension of at least six weeks within which to prepare and submit proposals to access the funds (*Hon. John Halims Agoda*).

*Debate:***Amendment Proposed:**

Insert a new Prayer (iii) as follows:

"Constitute an *Ad-hoc* Committee to immediately investigate the circumstances that led to the accumulation of such amount of money over a period of 8 years, without releasing them to the institutions and agencies for which they were intended, and determine the interest the funds have accumulated over the years and report to the House within 4 weeks" (*Hon. Austin Nwachukwu*).

Question that the amendment be made, put and negated.

Main Question put and agreed to.

The House:

Noted that an unusual large sum of money allegedly classified as idle funds was being held by the Education Trust Fund;

Aware that these funds amounting to ₦22.6 billion (Twenty-Two Billion, Six Hundred Million Naira) was designed as quick intervention funds for further infrastructural development of Educational Institutions;

Worried that in spite of such idle funds being available to boost Infrastructure in Education, the Academic Staff Union of Universities continues to cry for paucity of funds, for increases in the funding of the Educational Sector;

Disturbed by the enormity of the infrastructural decay in the Educational Sector, coupled with the accompanying fall in the standards of teaching, research and morale among Students and Academic Staff of Tertiary Institutions;

Regretted that these idle funds of ₦22.6 billion was quite a sizeable amount that, if utilized urgently for the purposes it was meant for, would mark the beginning of a renewed commitment and drive to boost the state of education in the country.

Resolved to;

- (i) Mandate House Committee on Education to immediately investigate the circumstances that led to the accumulation of such amount of money over a period of eight years without releasing them to the institutions and agencies for which they were intended, and determine the interest the funds have accumulated over the years and report to the House within six weeks;
- (ii) Urge the Education Trust Fund to give the affected tertiary institutions, State Ministries of Education and the Universal Basic Education Boards an extension of at least six weeks within which to prepare and submit proposals to access the funds (HR. 34/2009).

10. A Bill for an Act to provide for the sourcing for Local Raw Materials by all Grades of Contractors for the execution of Public Sector Construction Contracts; and for Ancillary Purposes Connected Thereto, 2009 — Second Reading:

Order read, deferred.

11. Consideration of Reports:

(i) Committee on Agriculture:

Motion made and Question proposed, "That this House do consider the Report of the Committee on Agriculture on a Bill for an Act to Establish the National Industrial Crops Development Agency, 2008 and approve the Recommendations therein" (*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 ESTABLISH NATIONAL INDUSTRIAL CROPS DEVELOPMENT AGENCY AND FOR RELATED MATTERS

PART I — ESTABLISHMENT OF THE NATIONAL CROPS DEVELOPMENT AGENCY, ETC.

Clause 1: Establishment of the National Industrial Crops Development.

- (1) There is hereby established and to be known as the National Industrial Crops Development Agency (In this Act referred to as ("the Agency") which shall be a body corporate with perpetual succession, and a common seal; and may sue and be sued in its corporate name.
- (2) Agency's headquarters shall be located in the Federal Capital Territory, Abuja.
- (3) The Agency shall maintain such Zonal and Regional Offices that will enhance the performance of its functions under this Act.

Committee Recommendation:

~~Leave out all the provisions in Clause 1 (Hon. Gbenga Makanjuola) — Agreed to~~

PART II — FUNCTIONS OF THE AGENCY

Clause 2: Functions and Power of the Agency**(1) The Agency shall—**

- (a) procure and collate research finding on Industrial Crops from various research institutions;
- (b) prepare and submit to the minister for approval proposals for the implementation of the research findings;
- (c) pursue the implementation of such proposals approved;
- (d) advise the Federal Government on Industrial Crops development and other related issues;
- (e) identify, determine and enforce in each year the processing , packaging and storing requirement s for the produce of Industrial Crops;
- (f) Identify, determine and enforce cash crop marketing control mechanisms;
- (g) Coordinating the activities of all relevant ministries in the implementation of Federal Government policies and programmes for the development of comprehensive commodity strategies covering critical parts of the commodity chain;
- (h) fully integrated the strategies in the ovarall poverty alleviation policies;
- (i) respond effectively to price decline;
- (j) manage risks and increase access to finance for local producers through new financial instruments and commodity risk insurance schemes;
- (k) make informed choices on promoting diversification and support the implementation of those choices;
- (l) enhance sustainable corporate practices and investment by engaging international commodity companies in the promotion of promotion of public/private partnerships and promotion of international competition;
- (m) set guidelines for the implementation and monitoring of Federal Government policies with regard to cash crops products;
- (n) develop and strategize modalities for adding value to commodities for export;
- (o) receive and administer such funds as may accrue to the Agency; and
- (p) do such other things which it deems expedient in the performance of its functions under this Act.

- (2) (i) The Agency shall not concede the procurement of any genetically enhanced or seedling or any uncertified herbicide or pesticide except on the commendation of the Federal Ministry of Science and Technology and the approval the President-in-Council;

- (ii) Any person who contravenes this subsection on conviction shall be liable to fine not more than ₦100,000.00 or imprisonment for maximum period of two years or both such fine and imprisonment.

Committee Recommendation:

~~Leave-out-all-the-provisions-in-Clause-2-(Hon. Gbenga Makanjuola) — Agreed to.~~

Clause 3: Establishment and Composition of the Government Agency.

There is established for the Agency a Governing Board which shall provide general policy guidelines for the day-to-day administration of the Agency and shall comprise—

- (a) a Chairman and five other members representing the six geopolitical zones of the Country;
 - (b) one representative not below the rank of a Deputy Director from each of the following—
 - (i) Federal Ministry of Agriculture and Rural Development;
 - (ii) Federal Ministry of Science and Technology; and Federal Ministry of Commerce;
 - (c) one representative each of the National Association on Cotton, Cocoa, Groundnuts, Palm Produce and Rubber;
 - (d) one representatives each from the Universities, Polytechnics and Colleges of Agriculture;
 - (e) two representatives from each of the crops producing zones as alternate members; and
 - (f) the Executive Secretary of the Agency who shall be a member and Secretary of the board;
 - (g) on representative of Nigeria Agriculture Comparative and rural Development Bank.
- (2) The supplementary provisions set out in the first Schedule to this Act shall have effect with respect to the proceedings of the Board, certain duties of the members and other matters mentioned therein.

Committee Recommendation:

Leave out all the provisions in Clause 3 (Hon. Gbenga Makanjuola) — Agreed to.

Clause 4: Tenure of Member of the Board.

Members of the Board appointed under section 2 of the Act—

- (a) shall hold office on such terms and conditions as may be specified in their letters of the appointment;
- (b) shall hold office for a term of four years in the first instance and may be reappointed thereafter for a further term of four years and no more;
- (c) with the exception of the Executive Secretary, all members of the Board including ex-officio members shall serve on part-time basis.

Committee Recommendation:

Leave out all the provisions in Clause 4 (Hon. Gbenga Makanjuola) — Agreed to.

Clause 5: Removal of a Member from office by the President.

Notwithstanding the provisions of section 3 of this Act, a member of the Board may at anytime be removed from office by the President for inability to discharge the functions of this office (whether arising from infirmity of mind or body or any other cause) or for misconduct.

Committee Recommendation:

Leave out all the provision in Clause 5 (Hon. Gbenga Makanjuola) — Agreed to.

Clause 6: A member of the board may resign his appointment by a notice in writing under his hand and that member shall, on the date of the receipt of the notice by the President, cease to be a member.

Committee Recommendation:

Leave out all the provision in Clause 6 (Hon. Gbenga Makanjuola) — Agreed to.

Clause 7: Resignation of appointment by Member of the Board.

- (1) An *ex-officio* member of the Board shall cease to be a member upon vacation of his office on the grounds of resignation, retirement from service, redeployment or for any other reason.
- (2) Notwithstanding the foregoing provisions of section 3 of this Act, a person shall cease to hold office as a member of the Board if—
 - (a) he becomes bankrupt, suspends payment or compounds with his creditors; or
 - (b) he is convicted of a felony or any offence involving dishonesty or fraud; or
 - (c) he becomes of unsound mind, or incapable of carrying out his duties; or
 - (d) he is guilty of a serious misconduct in relation to his duties; or
 - (e) in the case of a person in possession of professional qualifications, having been disqualified or suspended, (other than at his own request from practicing his profession in any part of the word) by an order of a competent authority made in respect of that member; or
 - (f) he resigns his appointment by a letter addressed to the President in accordance with section 5 of this Act.

Committee Recommendation:

Leave out all the provisions in Clause 7 (Hon. Gbenga Makanjuola) — Agreed to.

PART III — STAFF OF THE AGENCY**Clause 8: Appointment of the Executive Secretary of the Agency.**

- (1) There shall be for the Agency, an Executive Secretary who shall be a member and Secretary to the Board and shall be appointed by the President of the Federal Republic of Nigeria on the recommendation of the Minister.
- (2) The Executive Secretary shall possess such professional qualifications in cash crop production as the Minister shall determine and have at least 15 years post qualification experience in Industrial Crops production and marketing.
- (3) The Executive Secretary shall be the Chief Executive and Accounting officer of the Agency and be responsible for the execution of the policies and the day-to-day Administration of the affairs of the Agency;
- (4) The Executive Secretary shall hold office—
 - (a) for a term of four years in the first instance and may be reappointed for a further term of four years and no more; and
 - (b) on such terms and conditions as may be specified in his letter of appointment
- (5) Notwithstanding the provisions of subsection (3) of this Section, the Executive Secretary of the Agency, may at any time be removed from office by the President for inability to discharge the functions of this office (whether arising from infirmity of mind or body or any other cause) or for misconduct.
- (6) The Executive Secretary of the Agency may resign his appointment by a notice in writing under his hand, addressed to the President and shall on the date of the receipt of the notice by the President, cease to hold the office of the Executive Secretary.

Committee Recommendation:

Leave out all the provisions in Clause 8 (Hon. Gbenga Makanjuola) — Agreed to.

- Clause 9: Offices and premises of the Agency Cap. 202 LFN 1990.**
 For the purpose of providing offices and premises necessary for the performance of its functions under this Act, the Agency may subject to the Land Use Act, take lease of any interest in land or other property and may sell or dispose of such interest held by it.

Committee Recommendation:

Leave out all the provisions in Clause 9 (Hon. Gbenga Makanjuola) — Agreed to.

- Clause 10: Other Staff of the Agency.**
- (1) The Board shall appoint, for the Agency, such officers and other employees as it may, from time to time deem it necessary for the purpose of the Agency.
 - (2) The terms and conditions of service (including remuneration, allowances, benefits and pensions) of officers and employees of the Agency shall be determined by the Board after consultation with the Federal Civil Service commission.

Committee Recommendation:

Leave out all the provisions in Clause 10 (Hon. Gbenga Makanjuola) — Agreed to.

- Clause 11: Appointment of Heads of Departments of the Agency.**
- (1) The Board shall appoint Head of Departments for the Agency who shall be Professionals in their respective disciplines and such other persons to be officers and Employees of the Agency to assist the Executive Secretary in the Executive Secretary in the exercise of the Functions of the Agency under this Act.
 - (2) The remuneration and tenure appoint Head of Department for the Agency who shall be determined by the Board after consultation with the Federal Civil Service Commission.
 - (3) Notwithstanding the provisions of subsection (1) of this section, the Heads of Departments or any of the officers and employees of the Agency may be appointed by the Agency by way of transfer or secondment from any of the Public Service in the Federation.

Committee Recommendation:

Leave out all the provisions in Clause 11 (Hon. Gbenga Makanjuola) — Agreed to.

- Clause 12: Pension Reform Act. 2004.**
- (1) Service in the Agency shall be approved service for the purpose of pension Reform Act and accordingly, employees of the Agency shall be entitled to pensions, gratuities and other retirement benefits as are prescribed under the pensions reform Act.
 - (2) Notwithstanding the provisions of subsection (1) of this section, nothing in this Act shall prevent the appointment of a person to any office on terms, which preclude the grant of a pension, gratuity or other retirement benefit in respect of that office.

Committee Recommendation:

Leave out all the provisions in Clause 12 (Hon. Gbenga Makanjuola) — Agreed to.

PART IV — FINANCIAL PROVISIONS

- Clause 13: Funds of the Agency.**
 The Agency shall establish and maintain a fund into which shall be paid and credited—
- (a) a take - off grant from the Federal Government;
 - (b) annual subvention of 30 percent of its annual expenditure from the Federal Government through Federal Ministry of Agriculture;
 - (c) such counter -part funding 30 percent of its annual Expenditure as shall be provided by the ~~Commodity Associations in a ratio to be worked out by the Agency;~~
 - (d) Such funding of 40 percent of its annual expenditure as shall be provided by the Commodity Associations in a ratio to be worked by the Agency;

- (e) loans and grants-in-aid from national , bilateral and multilateral agencies;
- (f) rents, fees and other internally generated revenues from services provided by the Agency; and
- (g) all other sums accruing to the Agency from time to time.

Committee Recommendation:

Leave out all the provisions in Clause 13 (Hon. Gbenga Makanjuola) — Agreed to.

Clause 14: Power to Borrow.

- (1) The Agency may from time to time borrow by overdraft or otherwise such as it may require for the performance of its functions under this Act.

Committee Recommendation:

Leave out all the provisions in Clause 14 (Hon. Gbenga Makanjuola) — Agreed to.

Clause 15: Investment, Cap. 449LFN 1990.

- (1) The Agency may, subject to the provisions of this Act and the conditions of any trust created in respect of any property, invest all or any of its funds in any security prescribed by the Trustee Investment Act or in such other securities as may from time be approved by the President.
- (2) The Agency shall not without the approval of the Minister, borrow money which exceeds at any time the amount set by the Minister.
- (3) Notwithstanding subsection (1) of this section, where the sum to be borrowed is in foreign currency, the Agency shall not borrow the sum without the prior approval of the Minister.

Committee Recommendation:

Leave out all the provisions in Clause 15 (Hon. Gbenga Makanjuola) — Agreed to.

Clause 16: Expenditure of the Agency.

The Agency may from time to time apply the proceeds of the Agency—

- (a) to the cost of administration of the Agency
- (b) to the paying of the emoluments, allowances and benefits of members of the Board and reimbursing members of the Board or of any Committee set up by the Board for such expenses as may be expressly authority by the Board;
- (c) the payment of the salaries, fees or other remunerations or allowances, gratuities and pensions and other benefits payable to the officers and other employees of the Agency but no payment of any kind under this paragraph (except such as may be Expressly authorized by the Board) shall be made to any person who is in receipt of emoluments from the Federal or a State Government;
- (d) for the development and maintenance of any property vested in or owned by the Agency; and
- (e) for and in connection with all or any of its functions under this Act.

Committee Recommendation:

Leave out all the provisions in Clause 16 (Hon. Gbenga Makanjuola) — Agreed to.

Clause 17: Annual Estimates and Accounts.

- (1) The Agency shall not later than 30th September in each submit to the Minister an estimate of its expenditure and income including payments to the Agency for the next succeeding year.
- (2) The Agency shall keep proper accounts in respect of each year and proper records in reaction to those account and shall cause the accounts to be audited within 6 months after the end of each year by auditors appointed from the list and in accordance with the guidelines supplied by the auditor-General for the Federation.

Committee Recommendation:

Leave out all the provisions in Clause 17 (Hon. Gbenga Makanjuola) — Agreed to.

Clause 18: Annual Reports.

- (1) The Agency shall prepare and submit to the Minister, not later than 6 months after the end of each year, a report in such form as he may direct on the activities of the Agency during the immediate proceeding year and shall include in the report a copy of a copy of the audited accounts of the Agency for that year and the auditor's report on the accounts.
- (2) The Minister shall upon receipt of the report referred to in subsection (1) of this section cause a copy of the report and audited accounts of the Agency to any suit instituted against any officer or employee of the Agency.

Committee Recommendation:

Leave out all the provisions in Clause 18 (Hon. Gbenga Makanjuola) — Agreed to.

PART V — LEGAL PROCEEDINGS**Clause 19: Limitations of Suits against officers of the Agency. Cap 349 LFN, 1990.**

This provisions of the Public Officers Protection Act shall apply in relation to any suit instituted against any officer or employee of the Agency.

Committee Recommendation:

Leave out all the provision in Clause 19 (Hon. Gbenga Makanjuola) — Agreed to.

- Clause 20:** A notice, summons or other documents required or authorized to be served upon the Agency under the provisions of this Act or any other law or enactment may be served by delivering it to the Executive Secretary at the principal office of the Agency.

Committee Recommendation:

Leave out all the provision in Clause 20 (Hon. Gbenga Makanjuola) — Agreed to.

Clause 21: Restriction on Execution against property of the Agency.

- (1) In any action or suit against the Agency, no execution or attachment of process shall be issued against the Agency unless not less than three months notice of the intention to execute or attach has been given by the Agency.
- (2) Any sum of money which by the judgement of any court has been awarded against the Agency shall subject to any direction given, be paid from the fund of the Agency.

Committee Recommendation:

Leave out all the provisions in Clause 21 (Hon. Gbenga Makanjuola) — Agreed to.

Clause 22: Indemnity of Officers.

A member of the Board or the Executive Secretary, any officers or employee of the Agency 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, Executive Secretary, officer or employee of the Agency.

Committee Recommendation:

Leave out all the provision in Clause 22 (Hon. Gbenga Makanjuola) — Agreed to.

Clause 23: Provisions for take-off.

Notwithstanding the provisions section 8, the Federal Ministry of Agriculture and Rural Development may provide take -off office accommodation, staff and all the necessary facilities needed for the carrying out the functions of the Agency under this Act.

Committee Recommendation:

Leave out all the provision in Clause 23 (Hon. Gbenga Makanjuola) — Agreed to.

- Clause 24:** The Agency may with the approval of the Minister, make such regulations as its opinion as necessary or expedient for giving full effect to the provisions of this Act.

Committee Recommendation:

Leave out all the provision in Clause 24 (Hon. Gbenga Makanjuola) — Agreed to.

- Clause 25:**
- (1) The Agency may accept any gift of land, money or any other property on such terms and conditions, if any, as may be specified by the person or organization making the gift
 - (2) The Agency shall not accept any gift if the conditions attached by the person or organization offering the gift are inconsistent with the functions of the Agency.

Committee Recommendation:

Leave out all the provisions in Clause 25 (Hon. Gbenga Makanjuola) — Agreed to.

- Clause 26:**
- (1) A member of the Board of Executive Secretary or any other officer or employee of the Agency shall—
 - (a) not for his personal gain, make use of any information which has to come to his knowledge in the exercise of the board or as the Executive Secretary, officer or employee of the Agency;
 - (b) Treat as confidential any information which has come to his knowledge in the exercise of his power or is obtained by him in the performance of his duty under this Act.
 - (2) Any person who contravenes the provision of subsection (1) of this Section commits an offence and is liable on conviction to a fine less than ₦50,000.00 or imprisonment for a term not exceeding one year or both such fine and imprisonment.

Committee Recommendation:

Leave out all the provisions in Clause 26 (Hon. Gbenga Makanjuola) — Agreed to.

Clause 27: In this Act—

"Agency" means National Industrial Crops Development Agency established under Section 1 of this Act;

"Board" means the Government Board of the Agency Established under section 2 of this Act;

"Chairman" means the Chairman of the Board of the Agency;

1. "Executive Secretary" means the Executive Secretary of the Agency;
2. "Fund" means a the Fund established under section 9 (1) of this Act;
3. "member" means a member of the Board of the Agency and includes the Chairman;
4. "Minister" means the Minister responsible for Agriculture and Rural Development ;
5. "Industrial Crops" means cash crops.

Committee Recommendation:

Leave out all the provisions in Clause 27 (Hon. Gbenga Makanjuola) — Agreed to.

Clause 28: Citation.

This Bill may be cited as the National Industrial Crop Development Agency Bill, 2009.

Committee Recommendation:

Leave out the all provision in Clause 28 (Hon. Gbenga Makanjuola) — 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 Committee on Agriculture on a Bill for an Act to Establish the National Industrial Crops Development Agency, 2008 and approved all the Recommendations of the Committee.

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

(ii) Committee on Agriculture:

Motion made and Question proposed, "That this House do consider the Report of the Committee on Agriculture on a Bill for an Act to Regulate the Transportation of Animals, prevent undue pain, and suffering in animals used in Food production and For matters Connected Therewith, 2009 and approve the Recommendations therein" (*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 TRANSPORTATION OF ANIMALS,
PREVENT UNDUE PAIN AND SUFFERING IN ANIMALS USED IN FOOD PRODUCTION,
AND FOR MATTERS CONNECTED THEREWITH**

Clause 1: Prohibition of Inhumane Transportation of Animals.

As from the commencement of this Act, no person shall transport animals or cause animals to be transported in a way that is likely to cause injury or undue suffering to them.

Committee Recommendation:

Leave out all the provision in Clause 1 (Hon. Gbenga Makanjuola) — Agreed to.

Clause 2: Sick, Pregnant and Unfit Animals.

- (1) No person shall load or cause to be loaded on any railway, motor vehicle or vessel and no one shall transport or cause to be transported an animal—
 - (a) that by reason of infirmity, illness, injury, fatigue or any cause cannot be transported without undue suffering during the expected journey;
 - (b) that has not been fed and watered within five hours before being loaded, if the expected duration of the animal's confinement is longer than 24 hours from the time of loading; or
 - (c) if it is probable that the animal will give birth during the journey.
- (2) No railway company or motor carrier shall continue to transport an animal that is injured or becomes ill or otherwise unfit for transport during a journey beyond the nearest suitable place at which it can receive proper care and attention.

Committee Recommendation:

Leave out all the provisions in Clause 2 (Hon. Gbenga Makanjuola) — Agreed to.

Clause 3: Loading and Unloading Animals.

- (1) No person shall beat an animal being loaded or unloaded in a way likely to cause injury or undue suffering to it.
- (2) No person shall load, or cause to be loaded, an animal in a way likely to cause injury or undue suffering to animals.
- (3) ~~Every apparatus or equipment used by a carrier in loading or unloading animals~~ shall be so maintained and used as not to cause injury or undue suffering to animals.

Committee Recommendation:

Leave out all the provisions in Clause 3 (Hon. Gbenga Makanjuola) — Agreed to.

Clause 4: Prohibition of Overcrowding.

- (1) No person shall load or cause to be loaded any animal in any railway, car, motor vehicle, vessel, crate or container if, by so loading, that railway, motor vehicle, vessel, crate or container is crowded to such extent as to be likely to cause injury or undue suffering to any animal therein.
- (2) No person shall transport or cause to be transported any animal in any railway, car, motor vehicle, vessel, crate or container that is crowded to such extent as to be likely to cause injury or undue suffering to any animal therein.

Committee Recommendation:

Leave out all the provisions in Clause 4 (Hon. Gbenga Makanjuola) — Agreed to.

Clause 5: Segregation.

No person shall load on any railway car, motor vehicle or vessel and no carrier shall transport animals of different species or of substantially different weight or age unless those animals are segregated.

Committee Recommendation:

Leave out all the provision in Clause 5 (Hon. Gbenga Makanjuola) — Agreed to.

Clause 6: No person shall transport or cause to be transported animals in a railway car, motor vehicle or vessel unless—

- (a) each animal is able to stand in its natural position without coming into contact with a deck or roof; or
- (b) provision is made for the drainage or absorption of urine from all decks or levels.

Committee Recommendation:

Leave out all the provisions in Clause 6 (Hon. Gbenga Makanjuola) — Agreed to.

Clause 7: Protection of Animals from Injury or Sickness.

- (1) No person shall transport or cause to be transported any animal in a railway car, motor vehicle, vessel, crate or container, if injury or undue suffering is likely to be caused to the animal by reason of—
 - (a) inadequate construction of the railway car, motor vehicle, vessel, container or any part thereof;
 - (b) insecure fittings, the presence of bolt-heads or other projections;
 - (c) the fittings or other parts of the railway car, motor vehicle or container being adequately padded, fenced off or otherwise obstructed;
 - (d) undue exposure to the weather; or
 - (e) inadequate ventilation.
- (2) Every railway car, motor vehicle or vessel used to transport livestock shall be—
 - (a) strewn with sand or fitted with safe and secure footholds for the livestock; and
 - (b) littered with straw, wood shavings or other bedding materials.

Committee Recommendation:

Leave out all the provisions in Clause 7 (Hon. Gbenga Makanjuola) — Agreed to.

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- Clause 8: (1)** No person shall load or transport or cause to be loaded or transported a container used in the transportation of animals unless the container is constructed and maintained so that—

- (a) animals therein may, where required be fed and watered without being removed therefrom;
 - (b) animals therein may be readily inspected; and
 - (c) the escape of any liquid or solid waste therefrom is prevented.
- (2) Every container used in the transportation of animals shall be so secured to the railway car, motor vehicle or vessel in which it is carried as to prevent it from being displaced during transportation.

Committee Recommendation:

Leave out all the provisions in Clause 8 (Hon. Gbenga Makanjuola) — Agreed to.

Clause 9: Application.

The Act comes into effect when the animal is loaded for transport and continue throughout its time in transit, including fueling periods until the animal is unloaded at the final destination.

Committee Recommendation:

Leave out all the provision in Clause 9 (Hon. Gbenga Makanjuola) — Agreed to.

- Clause 10:**
- (1) Subject to the provision of subsection (2) of this section, the Act applies to all persons involved with the transport of live vertebrate animals in connection with an economic activity.
 - (2) The Act does not apply to the transport of animals—
 - (a) where the transport is not in connection with an economic activity;
 - (b) transport to or from veterinary practices or clinics; or
 - (c) where the animal is an individual animal accompanied by its owner (or other responsible person) and is fit for journey.
 - (3) The provision of schedule A of this Act applies to vehicles transporting animals generally while schedule B applies to the transportation of cows.

Committee Recommendation:

Leave out all the provisions in Clause 10 (Hon. Gbenga Makanjuola) — Agreed to.

Clause 11: Monitoring Compliance of the Act.

Officials of the Animal Health Department of the Ministry of Agriculture shall have powers of—

- (a) monitoring the compliance with the Act through routine inspection of railway car, motor vehicle or vessel used in the transportation of animals at strategic locations;
- (b) following up on reports of non-compliance on the provisions of the Act;
- (c) embarking on publicity on the Act.

Committee Recommendation:

Leave out all the provisions in Clause 11 (Hon. Gbenga Makanjuola) — Agreed to.

Clause 12: Enforcement Actions.

- (1) Subject to the provisions of the Act, it is an offence to transport animals in way that causes, or is likely to cause, injury and sufferings.
- (2) Any person who contravenes any of the provisions of this Act is guilty of an offence and liable on conviction to a fine not exceeding One Hundred Thousand Naira (~~₦100,000.00~~).
- (3) Notwithstanding the provision of subsection (2) of this section, a first offender shall be seriously reprimanded and educated on the provisions of the Act.

- (4) A repeat offender of the provisions of this Act, shall, in addition to the provisions of subsection (2) have the vehicle used in the transportation impounded.

Committee Recommendation:

Leave out all the provisions in Clause 12 (Hon. Gbenga Makanjuola) — Agreed to.

Clause 13: Interpretation.

In this Act, unless the context otherwise requires—

"animal" means all live vertebrate animals and cattle, sheep, goats, horses and poultry.

"motor vehicle" include cars, buses, lorries, trucks, trailers, and other like vehicles.

"person" means anybody whether corporate or unincorporated.

"vessel" includes boats, ships and any other water moving craft.

Committee Recommendation:

Leave out all the provisions in Clause 13 (Hon. Gbenga Makanjuola) — Agreed to.

Clause 14: Citation.

This Bill may be cited as the Transportation of Animals (Prohibition of Undue Pain and Suffering) Bill, 2009.

Committee Recommendation:

Leave out all the provision in Clause 14 (Hon. Gbenga Makanjuola) — Agreed to.

SCHEDULE

**STANDARD WEIGHT AND LOADS OF VEHICLES
INVOLVED IN TRANSPORTATION OF ANIMALS**

Make	Type	Net Weight	Load	Gross Weight
Land Rover	Pick Up	1800kg	1100kg	2900kg
Toyota Dyna	Pick Up	1724kg	2232kg	3956kg
Nissan	Pick Up	1170kg	1016kg	2186kg
Datsun	Pick Up	1168kg	864kg	2032kg
Peugeot	Pick Up	1167kg	1675kg	2842kg
Astra	Articulated Truck	13500kg	10000kg	23500kg
M. A. N	Articulated Truck	12142kg	14732kg	26874kg
M. A. N	Lorry	7000kg	6080kg	12080kg
M/Benz [14 Wheels]	Articulated Truck	12000kg	20000kg	32000kg
M/Benz [14 Wheels]	Articulated Truck	12100kg	11100kg	23200kg
M/Benz [10 Wheels]	Articulated Truck	7129kg	8128kg	15240kg

Committee Recommendation:

Leave out all the provisions in the Schedule (Hon. Gbenga Makanjuola) — 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 Committee on Agriculture on a Bill for an Act to Regulate the Transportation of Animals, prevent undue pain, and suffering in animals used in Food production and for Matters Connected Therewith, 2009 and approved all the Recommendations of the Committee.

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

(iii) Joint Committee on Agriculture and Justice:

Motion made and Question proposed, "That this House do consider the Report of the Joint Committee on Agriculture and Justice on a Bill for an Act to Repeal and Re-Enact the National Agricultural Seeds Council Act, 1992 and for Other Related Matters, 2008 and approve the Recommendations therein" (*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 REPEAL AND RE-ENACT THE NATIONAL AGRICULTURAL SEEDS COUNCIL ACT, NO. 72 OF 1992 AND FOR OTHER RELATED MATTERS

PART 1 — ESTABLISHMENT OF THE NATIONAL AGRICULTURAL SEEDS COUNCIL AND GOVERNING BOARD.

Clause 1: Establishment of the Agricultural Seeds Council.

- (1) There is established a body to be known as the National Agricultural Seeds Council (in this Bill referred to as the "Council").
- (2) The Council shall be a body corporate with perpetual succession and a common seal and may—
 - (a) acquire, hold or dispose of real and personal property;
 - (b) sue or be sued in its corporate name (*Hon. Gbenga Makanjuola*) — *Agreed to.*

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

Committee Recommendation:

Clause 2: Establishment of the Governing Board.

- (1) There is hereby established for the management of the Governing Board (in this Bill referred to as "the Board").
- (2) The Board shall consist of a Chairman and the following members—
 - (a) two persons to be nominated by the Seeds Association of Nigeria;
 - (b) the Director of the Federal Department of Agriculture.
 - (c) one representative of the Ministry of Commerce and Industry not below the rank of a director;
 - (d) one person with relevant qualifications and cognate experience in crop breeding technology to represent Agricultural Research Council of Nigeria;
 - (e) one person with relevant qualifications and cognate experience in Crop Breeding Technology to represent the Universities of Agriculture;
 - (f) one person representing the National Food Reserve Agency;
 - (g) one representative of the Agricultural Development Fund;
 - (h) one person representing Nigerian Chamber of Commerce, Industries, Mines and Agriculture;
 - (i) two persons from the Apex Farmers Association of Nigeria, one each representing the Large Scale Farmers and the Small Scale Farmers groups;
 - (j) the Director General of the National Agricultural Seeds Council.

- (3) The Chairman and other members shall possess sufficient qualifications and experience in the Seed industry and shall be appointed by the President upon the recommendation of the Minister.
- (4) The Chairman and members shall hold office for a Term.
- (5) A member of the Board shall be paid such allowances as the Federal Government may from time to time direct.
- (6) The Chairman or member may at any time be removed from office by the President for inability to discharge the functions of his office whether arising from infirmity of the mind or body or for any fraudulent act or misconduct.
- (7)
 - (i) The Chairman or member may resign by a notice addressed through the Minister to the President.
 - (ii) The notice of resignation shall become effective from the date of acceptance of the resignation by the President.
- (8) Upon the occurrence of any vacancy in the membership of the Board, the Chairman shall immediately communicate this fact to the Minister who shall ensure the vacancy is filled as contained in this clause.
- (9) The office of the Chairman or member shall become vacant if—
 - (a) he dies;
 - (b) he becomes insane or he is suffering from any permanent disability;
 - (c) he is an undischarged bankrupt; or
 - (d) he is convicted of the commission of a crime relating to fraud or gross misconduct.
- (10) Without prejudice to the provisions of the Bill, where a majority of the members of the Board are satisfied that the continued presence on the Board of the Chairman or a member is not in the national interest or the interest of the Council, the Board may recommend through the Minister to the President for the removal of such Chairman or member.
- (11) No decision of the Board shall be invalidated solely on the reason that there exists a vacancy in the number of members.
- (12) In the absence of a duly constituted Board for the Council, the Director-General of the Council shall, with the approval of the Minister carry out such functions of the Board as may be required.
- (13) The supplementary provisions set out in the Schedule of this Bill Schedule shall have effect with respect to the proceedings of the Board and the other matters specified therein (*Hon. Gbenga Makanjuola*).

Amendment Proposed:

Leave out all the words in subclause (2) (e) and *insert* the following instead thereof:

"One person representing any agency or institution with responsibility for National Reserve Food Matter" (*Hon. C. I. D. Maduabun*).

Question that the amendment be made, put and negatived.

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

Committee Recommendation:

Clause 3:—Dissolution.

Notwithstanding anything to the contrary in this Bill, the Minister shall Exercise all the powers of the Board where—

- (a) the Board has not been constituted;

- (b) the Board has been dissolved; and
- (c) any action taken or decision reached in compliance with the provisions of this clause shall be valid for all intent and purpose (*Hon. Gbenga Makanjuola*) — *Agreed to.*

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

PART II — FUNCTIONS OF THE COUNCIL.

Committee Recommendation:

Clause 4: Functions of the Council.

The Council shall—

- (1)
 - (a) analyse and formulate programmes, policies and actions regarding seed development and the seed industry in general, including research on issues relating to seed testing, registration, release, production, marketing, distribution, certification, quality control, supply and use of seeds in Nigeria, importation and exportation of seeds.
 - (b) design improved management system and procedure relating to the administration of seed activity;
 - (c) advise the Federal Government on the organization, management and financing of seed programmes.
 - (d) analyse the market and prices of seeds;
 - (e) advise the national research system on the changing pattern of seed demand and farmers needs;
 - (f) Plan, monitor and evaluate the achievements of the national seed system and recommend improvement thereto;
 - (g) encourage the establishment in Nigeria of seed companies for the purpose of carrying out research, production, processing and marketing of seeds; and
 - (h) regulate the Seed Industry in Nigeria;
 - (i) perform such other related functions as may be required of the Council, from time to time subject to the approval of the Minister.
- (2) From the commencement of the Bill, every company incorporated in Nigeria for the purposes specified in paragraph (g) of clause 4 of this Bill, shall enjoy such incentives as are granted by the Federal Government to an agricultural and seed enterprises.
- (3) The Crop Variety Registration and Release Committee shall have responsibility for making recommendations to the council on matters relating to—
 - (a) the registration and release of any given crop variety;
 - (b) the declaration of a crop variety as a notified kind and for the purposes of the Bill, different kinds or varieties of seed may be notified for different areas.
 - (c) A Crop kind variety intended to be registered under this clause may be required to undergo a minimum of two years of test to determine its adaptability to a particular geo-political area (*Hon. Gbenga Makanjuola*) — *Agreed to.*

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

Committee Recommendation:**Clause 5: Powers of the Board.**

The board shall have powers to—

- (a) manage and superintend the affairs of the Council.
- (b) Fix the terms and conditions of service including remuneration of the employees of the Council.
- (c) Subject to the provisions of this Bill, make, alter and revoke rules and regulations for carrying on the functions of the Council (*Hon. Gbenga Makanjuola*) — *Agreed to.*

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

PART III — APPOINTMENT OF THE DIRECTOR-GENERAL, ETC.**Committee Recommendation:****Clause 6: Appointment of the Director-General.**

- (1) There shall be appointed by the President, on the recommendation of the Minister, a Director-General for the Council who shall be the Chief Executive Officer of the Council and is responsible for the execution of the polices and day-to-day running of the affairs of the Council.
- (2) The Director General shall possess professional qualifications and cognate experience in seed science and technology.
- (3) The Director General shall hold office—
 - (a) for a term of five years and no more; and
 - (b) on such other terms and conditions as may be specified in the letter of appointment (*Hon. Gbenga Makanjuola*) — *Agreed to.*

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

Committee Recommendation:**Clause 7: Appointment of other Staff.**

- (1) The Council may appoint such other members of staff as is deemed necessary for the discharge of its functions under this Bill.
- (2) A staff of the Council may be appointed by way of transfer or secondment from any civil service of the Federation.
- (3) Where any person is seconded under subclause (2) of this clause, he shall be notified of the terms and conditions of the secondment, and the secondment shall be without prejudice to any pension rights which, but for the secondment, would accrue to him.
- (4) A person seconded under subclause (2) of this clause may elect to transfer his service to the Council in which case any previous service shall be qualifying service as defined in the Pension Reform Act.
- (5) The Council may make staff regulations relating generally to the following—
 - (a) the appointment, promotion, termination, dismissal and disciplinary control of the staff of the Council; as contained in the scheme of service of the Federal Civil Service.
 - (b) appeals by such staff against dismissal or other disciplinary measures, shall be in line with the regulation of the Federal Civil Service; any instrument relating to the conditions of service of the officers of the civil service of the Federation shall be applicable, with such modifications as may be necessary to the staff of the Council.

- (6) Service in the Council is approved service for the purpose of the Pension Reform Act (*Hon. Gbenga Makanjuola*).

Amendment Proposed:

Leave out all the provisions in subclauses (2) and (3) (Hon. Ita Enang).

Question that the amendment be made, put and negatived.

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

Committee Recommendation:

Clause 8: Appointment of Secretary/Legal Adviser.

- (1) The Board shall appoint for the Council, a Secretary/Legal Adviser who shall be a legal practitioner and must have been so qualified for a period of not less than 10 years.
- (2) The Secretary/Legal Adviser shall—
- (a) be Secretary to the Board;
 - (b) Be responsible for keeping the books and proper records of proceedings and correspondences of the Board and the upkeep of the records of the Council;
 - (c) administer and discharge all legal obligations of the Council.
 - (d) administer and discharge all insurance requirements of the Council.
 - (e) retain external legal services on behalf of the Council as he may deem necessary or expedient; and
 - (f) Perform such other functions as the Board or the Director General as the case may be from time to time, assign to him (*Hon. Gbenga Makanjuola*) — *Agreed to.*

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

PART IV — APPOINTMENT OF SEED INSPECTORS

Committee Recommendation:

Clause 9: Appointment of Seed Inspectors.

- (1) The Council shall appoint seed inspectors and define the area within which they can exercise jurisdiction.
- (2) A Seed Inspector shall perform the following duties—
- (a) take samples of any seed of any variety or hybrid from—
 - (i) any person selling such seed; or
 - (ii) any person who is the course of conveying, delivering or preparing to deliver such seed to a purchaser or a consignee; or
 - (iii) a purchaser or a consignee after delivery of such seed to him.
 - (b) send such sample to the Seed analyst for the area within which such sample was taken for analyses.
 - (c) enter and search any premises in which he has reason to believe that an offence under this Bill has been or is being committed and order in writing the person in possession of any seed in respect of which the offences has been committed, not to dispose of any stock of such seed for a specific period not exceeding thirty days;

- (d) examine any record, register, document or any other material object found in any premises pursuant to paragraph (c) of this subclause and seize the same if he has reason to believe that it may furnish evidence of the commission of an offence punishable under this Bill; and
 - (e) exercise such other duties as may be necessary for carrying out the purpose of this Bill or any regulations made out there under.
- (3) A Seed Inspector may break-open a container or premises in which seed of any kind or variety is kept for sale provided that the power to break-open the door of such premises shall be exercised only after the owner or any other person occupying the premises, if he is present therein, refuses to open the door on being called upon to do so.
- (4) Where a Seed Inspector takes any action under paragraph (a) of subclause (2) of this clause, he shall, at the time when such action is being taken and take their signatures on a memorandum to be prepared in the prescribed form and manner (*Hon. Gbenga Makanjuola*) — *Agreed to.*

Question that Clause 9 stand part of the Bill, 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 considered the Report of the Joint Committee on Agriculture and Justice on a Bill for an Act to Repeal and Re-Enact the National Agricultural Seeds Council Act, 1992 and for Other Related Matters, 2008 and approved Clauses 1 - 9 and deferred further consideration till the next Legislative Day.

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

12. Adjournment:

That this House do now adjourn till Thursday, 21 May, 2009 at 10.00 a.m. (*Hon. Baba Shchu Agaie*).

Adjourned accordingly at 6.05 p.m.

Usman Bayero Nafada
Deputy Speaker