



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 26 May, 2009

1. The House met at 10.42 a.m. Mr Speaker read Prayers.
2. **Votes and Proceedings:**
Mr Speaker announced that he had examined and approved the Votes and Proceedings of Thursday, 21 May, 2009.

By unanimous consent, the Votes and Proceedings was adopted.

3. **Announcements:**

- (a) **Obituaries:**

Mr Speaker announced with regrets:

- (i) The death of Alhaja Abadat Alake Adewusi, the mother of Hon. Rasaq Adewusi who died on Thursday, 21 May, 2009;
 - (ii) The death of twenty-eight (28) inhabitants of Shanono Federal Constituency of Kano State, which occurred in a ghastly motor accident on Monday, 18 May, 2009.

A minute in silence was observed in honour of the deceased. Hon. Suleiman A. Kawu prayed for the repose of their souls.

- (b) **Visitors:**

Mr Speaker acknowledged the presence in the Gallery, of representatives of the Ministry of Health and Civil Society to observe proceedings as part of its activities to commemorate Safe Motherhood Day.

A minute in silence was observed in honour of women who died during child birth.

Thereafter Hon. Saudatu Sani was granted leave to present some Brochure to the House in commemoration of the Safe Motherhood Day.

4. **Petition:**

The following petition was received and referred to the Committee on Public Petitions:

Hon. Umar M. Bature (*Sokoto North/South Federal Constituency*), from Liki Bawa Mohammed, praying the House to intervene in his alleged wrongful dismissal from the State Security Service (SSS) with a view to re-instating him.

5. **Presentation of Reports:**

- (i) **Committee on Special Duties:**

Motion made and Question proposed, "That this House do receive the Report of the Committee on Special Duties on the Call for a Speedy Action on the Resettlement Plan for the Internally Displaced People of Bakassi" (Hon. Samson Osagie)

Question put and agreed to.

Report laid.

(ii) Committee on Aids, Loans and Debt Management:

Motion made and Question proposed, "That this House do receive the Report of the Committee on Aids, Loans and Debt Management on a Bill for an Act to Establish the National Institute of Credit Administration and for Matters Connected Therewith, 2008" (Hon. Friday Itulah).

Question put and agreed to.

Report laid.

(iii) Committee on Women Affairs:

Motion made and Question proposed, "That this House do receive the Report of the Committee on Women Affairs on a Bill for an Act to Establish the National Council for Public Assistance to Widows, Dependent Children and Orphans, and to provide for Other Matters Relating Thereto, 2008" (Hon. Binta Masi Garba).

Question put and agreed to.

Report laid.

6. Consideration of Reports:

- (i)** 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 (*Resumption of Consideration*).

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

Committee Recommendation:

Clause 10: Offences.

- (1)** Any person who—

- (a)** contravenes the provisions of clause 9 of this Bill or any regulations made thereunder; or
- (b)** prevents a Seed Inspector from taking sample under this Bill; or
- (c)** prevents a Seed Inspector from exercising any other power conferred on him under this Bill;
- (d)** contravenes any other provisions of this Bill commits an offence.

- (2)** The following shall constitute breaches of the provisions of this Bill and its enabling Regulations—

- (a)** production of seeds without Professional Card;
- (b)** marketing of seeds without accreditation;
- (c)** misleading information on seed labeling, willful modification or alteration of labeling and the use of any trickery to mislead third parties as to the quality of the seeds,
- (d)** distribution, for animal or human consumption, of seeds treated with substances dangerous to human or animal health and, thus, unfit for consumption;

- (e) failure to keep proper ledger as laid down in Paragraph (d), subclause (2) of clause 9
 - (f) import or export of conventional and genetically modified crop seeds in violation or applicable declaration;
 - (g) obstruction of official inspection or control activities;
 - (h) non-compliance with the conditions of admission for control; and
 - (i) fraud or attempted fraud in the utilization or marketing of seeds.
- (3) A person who commits an offence under subclause of this clause shall on conviction be liable—
- (a) as a first offender, to a term of imprisonment for six months or to a fine not exceeding fifty thousand naira and;
 - (b) in the event of such person having been previously convicted under this clause he shall be liable to a fine of one hundred thousand naira, or to imprisonment for a term not exceeding two years or both.
- (4) Where a person has been convicted under this Bill, the seed in respect of which the contravention occurred may be forfeited to the Federal Government.
- (5) Where an offence under this Bill has been committed by a company, any officer who at the time the offence was committed was in charge of the conduct of the business of the company, as well as the company, is deemed guilty and shall be liable:
- provided that nothing contained in this subclause shall render any such person liable to any punishment under this Bill if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.
- (6) Where an offence under this Bill has been committed by a company and such offence was committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or officer of the company, such director, manager, secretary or officer shall be deemed to have committed such offence and therefore liable.
- (7) Nothing in this Bill shall apply to any seed of any variety or hybrid grown by a person and delivered by him on his own premises direct to another person without any monetary consideration for being used by that person for the purpose of sowing or planting (*Hon. Gbenga Makanjuola*) — *Agreed to.*

Question that Clause 10 stand part of the Bill, put and agreed to.

PART V — ESTABLISHMENT OF DEPARTMENTS AND ZONES

Committee Recommendation:

Clause 11: Establishment of Department and Zones.

- (1) There are established for the Council, the following Departments that is--
- (a) The Seed Industry Development, Technical Support and Commercial Services Department.
 - (b) The Foundation Seed Production and Management Department.
 - (c) The Certification, Quality Control, Crops Seed Registration and Release Department;
 - (d) The Planning, Training and Information, Data Management, and Capacity Building Department;

- (e) The Administration and Finance Department;
 - (f) Such other departments or bodies as the Board may from time to time deem expedient for effective discharge of the functions of the Council under this Bill.
- (2) Each of the Department referred to under subclause (1) of this clause shall be headed by an officer of the rank of Director (*Hon. Gbenga Makanjuola*) — *Agreed to.*

Question that Clause 11 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 12: Zonal Offices Schedule.

- (1) The Council shall have six Operating Zones and six Zonal offices as listed in second schedule of this Bill.
- (2) Each Zonal Office shall be headed by a Deputy Director and such number of professional staff the Council deem necessary (*Hon. Gbenga Makanjuola*) — *Agreed to.*

Question that Clause 12 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 13: Register.

The Council shall maintain a Register of persons licensed to engage in seed production and marketing under the following classification, namely—

- (a) seed production company;
- (b) seed enterprises production on contract for seed company;
- (c) breeder seed production agency including research institutes (both public and private);
- (d) foundation seed grower (research institutes and private);
- (e) enterprise seed processor;
- (f) seed dealer whether as wholesaler or not (*Hon. Gbenga Makanjuola*) — *Agreed to.*

Question that Clause 13 stand part of the Bill, put and agreed to.

PART VI — SEED CERTIFICATION, IMPORT, EXPORT, PACKAGING

Committee Recommendation:

Clause 14: Issuance of Certification.

- (1) Any person who sells, keeps for sale, offers for sale, barter or otherwise supplies any seed of any variety or hybrid shall apply to the Council for grant of certification for the purpose.
- (2) Every application under subclause (1) of this clause shall be in such form and contain such particulars and fees as may be prescribed by the Council.
- (3) On the receipt of an application for the grant of certification, the Council may, after making such enquiry as it thinks fit and after satisfying itself that the seed to which the application relates is a progeny of a pedigree seed and conforms to the field and seed standard for that seed under this Bill, grant a certificate in such form and on such conditions as may be prescribed (*Hon. Gbenga Makanjuola*) — *Agreed to.*

Question that Clause 14 stand part of the Bill, put and agreed to.

Committee Recommendation:**Clause 15: Revocation of Certificates.**

- (1) The Council may revoke any certification granted under this Bill if it is satisfied that the certification was obtained by misrepresentation or that the holder of the certification has contravened any of the provisions of this Bill or any regulations made thereunder.
- (2) The Council shall, before revoking any certification give due notice to the person likely to be affected by such a revocation.
- (3) A person who is aggrieved by a decision of the Council under subclause (1) of this clause may appeal to the Minister within 30 days from the date on which the decision was communicated to him:

Provided that the Minister may entertain an appeal at the expiry of the period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

- (4) On receipt of an appeal under subclause (3) of this clause, the Minister shall after giving the appellant an opportunity of being heard, dispose of the appeal as expeditiously as possible (*Hon. Gbenga Makanjuola*) — *Agreed to.*

Question that Clause 15 stand part of the Bill, put and agreed to.

Committee Recommendation:**Clause 16: Genetic Identity.**

- (1) Every certification shall specify that the genetic identity of the released variety is preserved through the various stages of multiplication of the seed.
- (2) The following categories of seeds of released varieties and hybrids shall be subject to certification, namely—
 - (a) Foundation seed of Inbred-line, conventional or genetically modified crop seeds, and
 - (b) Certified seed of hybrid, conventional or genetically modified crop seeds.
 - (c) for breeder seed, joint crop seed field inspection visits to breeder seed multiplication plots shall be conducted (*Hon. Gbenga Makanjuola*) — *Agreed to.*

Question that Clause 16 stand part of the Bill, put and agreed to.

Committee Recommendation:**Clause 17: Seed Certification.**

The Minister may, on the advice of the Council recognize any seed certification agency established in any foreign country and such recognition shall be published in the gazette (*Hon. Gbenga Makanjuola*) — *Agreed to.*

Question that Clause 17 stand part of the Bill, put and agreed to.

Committee Recommendation:**Clause 18: Condition for Export, etc.**

- (1) No person shall for the purpose of sowing or planting by any person (including himself) export or import or cause to be exported or imported any seed or hybrid without permission from the Council, provided that—
 - (a) any seed for import shall meet the minimum standards of the Council;
 - (b) any seed for export shall be certified;
 - (c) apart from ECOWAS member States, any imported seed for marketing in Nigeria must be officially released by the Crop Variety Registration and Release Committee.

- (2) Any person, institution or body who wishes to import, export, transit or otherwise carry out a confined field trials or commercial release of a genetically modified crop seed shall apply to the Council, and the National Biosafety Agency not less than 270 days prior to the date of import, export, transit or the commencement of such activity (*Hon. Gbenga Makanjuola*) — *Agreed to*.

Question that Clause 18 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 19: Application for Export, etc.

- (1) An application to export or import seeds of variety or hybrid shall be made to the Council and a copy of such application shall be forwarded to the Nigerian Agricultural Quarantine Service.
- (2) Seed samples meant for research purposes and seeds intended for export from or import into Nigeria shall carry the necessary phytosanitary certificates and viability test results.
- (3) No seed shall be exported unless certified by the official seed-certifying agency of the exporting country (*Hon. Gbenga Makanjuola*) — *Agreed to*.

Question that Clause 19 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 20: Prohibition of Sales of Seeds Variety.

The Council shall:

- (1) Grant an exclusive right to impede orders to freely exploit an invention or creation.
- (2) Provide protection to new Crop Varieties that have been be previously commercialised, that are distinct from existing varieties, uniform in their main characteristics and stable over the years for those characteristics.
- (3) Reward creativity and promote innovations for holders of rights to recoup the investment in research required to develop the innovation; and
- (4) In the field of Biotechnology the intellectual property rights system to provide a way of ensuring the financial revenues required to make the technology profitable.

Question that Clause 20 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 21: Processing of Seeds for Production.

- (1) No person other than a person registered under this Bill shall produce or be engaged in the processing of seeds for production, processing or marketing for commercial purposes.
- (2) The provisions of this clause shall not apply to a person growing and delivering seeds of any variety direct to another person without monetary consideration for use by that other person for sowing on the latter's own farm (*Hon. Gbenga Makanjuola*) — *Agreed to*.

Question that Clause 21 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 22: Central Seed Testing Laboratory.

There shall be a Central Seed Testing Laboratory (in this Bill referred to as 'Seed Laboratory') to be designated by the Minister on the recommendation of the Council (*Hon. Gbenga Makanjuola*) — *Agreed to*.

Question that Clause 22 stand part of the Bill, put and agreed to.

Committee Recommendation:**Clause 23: Suit.**

- (1) A suit shall not be commenced against the Council before the expiration of a period of one month, after written notice of intention to commence the suit shall have been served on the Council by the intending plaintiff or his representative and the notice shall clearly state the—
 - (a) cause of action
 - (b) particulars of the claim
 - (c) name and place of abode of the intending plaintiff; and
 - (d) relief which he claims.
- (2) The notice referred to in subclause (1) of this clause and any summons, notice or other document required or authorized to be served on the Council under the provisions of this Bill or any other enactment or law may be served by—
 - (a) delivering same to the office of the Director-General; or
 - (b) sending it by registered post addressed to the Director-General at the Head Office of the Council (*Hon. Gbenga Makanjuola*) — *Agreed to.*

Question that Clause 23 stand part of the Bill, put and agreed to.

PART VII — POWER TO PROSECUTE

Committee Recommendation:**Clause 24: Power to Prosecute.**

Subject to the provisions of clause 174 of the Constitution the Council may with the consent of the Attorney General of the Federation, conduct criminal proceedings in respect of offences under this Bill (*Hon. Gbenga Makanjuola*) — *Agreed to.*

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

PART VIII — FINANCIAL PROVISIONS

Committee Recommendation:**Clause 25: Fund of the Council.**

- (1) There shall be established by the Council, a fund from which shall be defrayed all expenditure incurred by the Council.
- (2) There shall be paid and credited to the fund established pursuant to subclause (1) of this clause—
 - (a) initial take-off grant by the Government;
 - (b) such moneys as may be provided to the Council by the yearly budgetary allocation approved by the National Assembly;
 - (c) such monies as may from time to time be granted or received from:
 - (i) organised private sector,
 - (ii) international donor organisations and non-governmental;
 - (d) such sum as may be approved by the President from Agricultural Development Fund;
 - (e) such monies as may from time to time be granted to the Council by the Federal Government or a state or Local Government Council;
 - (f) all interests receipt in respect of monies invested by the council including revenue earned from its various activities; and
 - (g) all other assets, from time to time, accruing to the Council.

- (3) The council shall make rules for the management of the fund under subclause (1) of this clause and such rules shall in particular contain provisions—
- (a) specifying the manner in which the assets of the fund are to be held, and regulating the making of payments into and out of the fund;
 - (b) requiring the keeping of proper accounts and records for the purposes of the fund in such form as may be specified in the rules;
 - (c) for ensuring that the accounts are audited periodically by auditor appointed from a list and in accordance with guidelines supplied by the Auditor-General of the Federation;
 - (d) requiring copies of the accounts and of the auditor's report thereon to be furnished to the Minister (*Hon. Gbenga Makanjuola*) — *Agreed to.*

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

Committee Recommendation:

Clause 26: Annual Report.

The Council may from time to time borrow by way of overdraft or otherwise such sums as it may require for the performance of its functions under this Bill (*Hon. Gbenga Makanjuola*) — *Agreed to.*

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

PART IX— MISCELLANEOUS

Committee Recommendation:

Clause 27: Power to make regulations.

- (1) The Council may make regulations to carry out the purposes of this Bill and in particular such regulations may provide for—
- (a) the functions of the Central Seed Testing Laboratory;
 - (b) the certification of seeds;
 - (c) the manner of marking or labeling the container of seed of any notified kind, hybrid or variety under clause 20 of this Bill;
 - (d) the requirements which may be complied with by persons carrying on the business referred to in clause 20 and 21 of this Bill.
 - (e) the form of application for the grant of the certificates under Clauses 17, 18, 19, 20, 21 of this Bill, the particulars it may contain, the fees which may accompany it, the form of the certificate and the conditions for granting the certificate;
 - (f) the form and manner in which the fee on payment of which an appeal may be preferred under clause 15 subclause (3) of this Bill and the procedure to be followed by the Minister in disposing of the appeal;
 - (g) the qualifications and duties of Seed Analyst and Seed Inspectors;
 - (h) the manner in which samples may be taken by the Seed Inspector, the procedure for sending such samples to the Seed Analyst or the central seed testing laboratory and the manner of analyzing such samples;
 - (i) the form of report of the result of the laboratory analysis and the fees payable in respect of such report;
 - (j) establishment of Intellectual Property Rights Policy and Guidelines;
 - (k) formulation of policy, regulation and guidelines on Genetically Modified Crop Seeds introduction, domestication, confirmation and use

- (2) Any regulations made pursuant to subsection (1) of this section shall be published in the Official Gazette of the Federal Republic of Nigeria (*Hon. Gbenga Makanjuola*) — *Agreed to.*

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

Committee Recommendation:

Clause 28: Amendment.

The National Agricultural Seeds Act 1992 is amended (*Hon. Gbenga Makanjuola*).

Amendments Proposed:

Immediately after the word "is" *leave out* the words "hereby amended" and *insert* the word "repealed" instead thereof (*Hon. Ita Enang*).

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

Question that Clause 28 as amended, stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 29: Savings.

- (1) Any approval granted under the amended enactment shall continue to be enforced notwithstanding the amendment thereof.
- (2) The council shall be subject to all obligations and liabilities to which it was subject immediately before the commencement of this Bill and all other persons shall, as from the commencement of this Bill, have the same powers rights and remedies as they had under the amended Act (*Hon. Gbenga Makanjuola*).

Amendment Proposed:

In subclause (1), line 1, *leave out* the words "amended enactment" and *insert* the words "repealed Act" instead thereof — (*Consequential amendment*).

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

Committee Recommendation:

Clause 30: Interpretation.

In this Bill, unless the context otherwise requires—

"agricultural seeds" includes cereals, legumes, oilseed, grass, fiber, root, tuber, tree or any other kind of crop seed or seedling commonly recognized within Nigeria as agricultural seed; lawn seed, vegetable seed, forestry seed and seedlings, conventional or genetically modified seeds, horticultural seeds and seedlings, ornamental seeds, seed mixtures and all planting materials as the Minister may designate from time to time (*Hon. Gbenga Makanjuola*).

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

"seed laboratory" means a central seed laboratory designated as such under clause 26 of this Bill (*Hon. Gbenga Makanjuola*).

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

"certified seed" means any prescribed seed that is certified under the provisions of this Bill (*Hon. Gbenga Makanjuola*).

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

"container" means a box, casket, tin, barrel, tank, receptacle sack, bag, wrapper or other thing in which any article or thing is placed or packed (*Hon. Gbenga Makanjuola*).

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

"Council" means the National Agricultural Seeds Council established by clause 1 of this Bill (*Hon. Gbenga Makanjuola*).

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

"labeling" means any label or other written, printed or graphical representation, in any form, accompanying and pertaining to seed, whether in bulk or in container (*Hon. Gbenga Makanjuola*).

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

"Minister" means the Minister charged with the responsibility for Agricultural Development and other related matters (*Hon. Gbenga Makanjuola*).

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

"export" means taking out of Nigeria to a place outside Nigeria (*Hon. Gbenga Makanjuola*).

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

"import" means bringing into Nigeria from a place Outside Nigeria (*Hon. Gbenga Makanjuola*).

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

"notified kind or variety" in relation to any seed or variety thereof notified under this Bill (*Hon. Gbenga Makanjuola*).

Question that the meaning of the words "notified kind or variety" be as defined in the interpretation of this Bill, put and agreed to.

"seed importer" means any person who, either exclusively or in conjunction with any other trade or business, imports seeds into Nigeria for resale (*Hon. Gbenga Makanjuola*).

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

"seed inspector" means the person appointed as seed inspector pursuant to clause 6 of this Bill (*Hon. Gbenga Makanjuola*).

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

"seed producer" means any person who either exclusively or in conjunction with any other trade or business, produces seeds for sale (*Hon. Gbenga Makanjuola*).

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

"seed seller" means any person who, either exclusively or in conjunction with any Other person, trade or business, sells seeds for growing to Nigerian farmers (*Hon. Gbenga Makanjuola*).

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

"sell" includes to exchange or to offer, advertise, keep, expose, transmit, convey or convey or deliver in pursuance of a sale, exchange or barter (*Hon. Gbenga Makanjuola*).

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

"Departments" means the Department established by clause 8 of this Bill (*Hon. Gbenga Makanjuola*).

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

"variety" means a sub-division of any crop species which can be differentiated from other sub-division of that kind of growth, plant, fruit or other characteristics and any uniform group which can be a first generation hybrid or a plant population reconstituted on each occasion by crossing two or more breeding stock maintained by inbreeding or population maintained (*Hon. Gbenga Makanjuola*).

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

"Government" means the Federal Government of Nigeria (*Hon. Gbenga Makanjuola*).

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

"weed seed" includes the seed of all plants included as weeds in the Seed Regulations or commonly recognized as weeds in Nigeria (*Hon. Gbenga Makanjuola*).

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

Question that Clause 30 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 31: Citation.

This Bill may be cited as the National Agricultural Seeds Council Bill, 2009 (*Hon. Gbenga Makanjuola*) — Agreed to.

Question that Clause 31 stand part of the Bill, put and agreed to.

SCHEDULES

FIRST SCHEDULE

Section 2 (4)

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

Proceedings of the Board

1. Subject to this Bill and clause 27 of the Interpretation Act, the Board may make standing orders regulating its proceedings or those of any of its committees.
2. The quorum of the Board shall be seven and the quorum of any committee of the Board shall be determined by the Board.
3. At any time while the office of the Chairman is vacant or the Chairman in the opinion of the Board is temporarily or permanently unable to perform the functions of his office, the vice Chairman shall perform the functions of the Chairman.
4.
 - (1) Subject to the provisions of any applicable standing orders, the Board shall meet quarterly and whenever summoned by the Chairman as dictated to him by not less than six other members, he shall summon a meeting of the Board to be held within twenty-one days from the date on which the notice is given.
 - (2) Where the Board wishes to obtain the advice of any person on a particular matter, the Board may co-opt him as a member for such period as it deems fit but a person who is a member by virtue of this sub paragraph shall not be entitled to vote in such meeting and shall not count towards a quorum.

Committees of the Board

5. (1) The Board may appoint one or more committees to carry out, on behalf of the Board, such of its functions as the Board may determine.
- (2) A committee appointed under this paragraph shall consist of the number of persons determined by the Board and not more than one-third of those person may be persons who are not members of the Board; and a person other than a member of the Board shall hold office on the committee in accordance with the terms of the instrument by which he is appointed.
- (3) A decision of a committee of the Board shall be of no effect until the Board ratifies it.
6. (1) The fixing of the seal of the Board shall be authenticated by the signature of the Chairman or of some other member authorized generally or specifically by the Board to act for that purpose.
- (2) Any contract or instrument which if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Board by any person generally or specifically authorized to act for that purpose by contract (*Hon. Gbenga Makanjuola*).

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

SECOND SCHEDULE*Operating Zones*

1. North-Central Zone — Comprising the Federal Capital Territory Abuja, Benue, Kwara, Nassarawa, Kogi, Niger and Plateau States with the Secretariat in Jos, Plateau State
2. North-Eastern Zone — Comprising Adamawa, Bauchi, Gombe, Borno, Taraba and Yobe State with secretariat in Gombe, Gombe State.
3. South-Eastern Zone — Comprising Abia, Ebonyi, Anambra, Enugu, Imo and with secretariat in Umudike, Abia State.
4. South-Western Zone — Comprising Lagos, Ekiti, Ogun, Ondo, Osun and Oyo States with secretariat in Ibadan, Oyo State.
5. North-Western Zone — Comprising Jigawa, Kaduna, Zamfara, Katsina, Kebbi, Kano and Sokoto States with secretariat in Zaria, Kaduna State.
6. South-South Zone — Comprising Akwa Ibom, Bayelsa, Cross River, Delta, Edo, Rivers State with secretariat in Asaba, Delta State (*Hon. Gbenga Makanjuola*).

Question that the provisions of the Second Schedule stand part of the Bill, 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 resumed consideration of 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 10 - 27, amended Clauses 28 and 29, approved Clauses 30 - 32, approved First and Second Schedules, and the Long Title of the Bill.

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

- (ii) **A Bill for an Act to Provide for the Establishment of the Federal Capital Territory Primary Education Board and for Matters Connected Therewith, 2009 (*Committee of Whole*):**
Motion made and Question proposed, "That this House do consider a Bill for an Act to Provide for the Establishment of the Federal Capital Territory Primary Education Board and for Matters Connected Therewith, 2009 (*Hon. Ita Enang*).

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 PROVIDE FOR THE ESTABLISHMENT OF THE
FEDERAL CAPITAL TERRITORY PRIMARY EDUCATION BOARD
AND FOR MATTERS CONNECTED THEREWITH**

Debate:

Bill recommitted to the Joint Committee on FCT and Education for further Legislative Scrutiny.

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 on a Bill for an Act to Provide for the Establishment of the Federal Capital Territory Primary Education Board and for Matters Connected Therewith, 2009 and recommitted the Bill to the Joint Committee on FCT and Education.

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

(iii) ***Committee on Health:***

Motion made and Question proposed, "That this House do consider the Report of the Committee on Health on a Bill for an Act to Amend the National Primary Healthcare Development Agency Act, 1992 No. 29 and for Matters Connected Therewith, 2008 and approve the Recommendations therein" (*Hon. Alaba Lad-Ojomo*).

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 AMEND THE NATIONAL PRIMARY HEALTHCARE DEVELOPMENT
AGENCY ACT, 1992 NO. 29 AND FOR MATTERS CONNECTED THEREWITH**

**PART I — ESTABLISHMENT OF THE NATIONAL PRIMARY HEALTH
CARE DEVELOPMENT AGENCY AND ITS GOVERNING BOARD, ETC.**

Committee Recommendation:

Clause 1: Establishment of the National Primary Health care Development Agency.

- (1) There is hereby established a body to be known as the National Primary Health Care Development Agency (in this Bill referred to as "the Agency") which shall be supervised by the Federal Ministry of Health.
- (2) The Agency—
 - (a) shall be a body corporate with perpetual succession and a common seal; and

- (b) may sue and be sued in a corporate name (*Hon. Alaba Lad-Ojomo*) — *Agreed to.*

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

Committee Recommendation:

Clause 2: Establishment and composition of the governing board of the agency.

- (1) There is hereby established for the Agency a Governing Board in this Bill (referred to as "the Board") which shall consist of—
- (a) a Chairman, who shall be a highly respected primary healthcare practitioner,
 - (b) the Federal Director of primary health Care;
 - (c) one person each to represent the following, that is:—
 - (i) the Principals of Schools of Health Technology;
 - (ii) the provosts of Colleges of Medicine;
 - (iii) the Principals of Community Health Officers Training Institution;
 - (iv) the Community Health Practitioners Association of Nigeria;
 - (v) the Nigerian Medical Association, and
 - (vi) the National association of Nigerian Nurses and Midwives.
 - (d) one person to represent a State Ministry of Health from each Primary Healthcare Zone, to be nominated by the National Council of Health;
 - (e) one person to represent a Local Government Area from each Primary Healthcare Zone, to be nominated by the Conference of Local Government Chairman;
 - (f) one person to represent non-governmental associations working in the field of primary healthcare;
 - (g) one person to represent to National Planning Commission;
 - (h) Federal Ministry of Women Affairs;
 - (i) The Executive Director of the Agency who shall be the Secretary to the Board (*Hon. Alaba Lad-Ojomo*).

Amendments Proposed:

- (i) *Leave out* all the words in subclause (1) (a) and *insert* the following instead thereof:
 "A chairman, who shall have a vast experience in primary healthcare profession" (*Hon. Gbenga Makanjuola*).

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

- (ii) In subclause (1) (d), immediately after the word Zone, *leave out* the words "to be nominated by the National Council of Health" (*Hon. Ita Enang*).

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

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

PART II — DEFINITION AND COMPONENTS OF PRIMARY HEALTHCARE

Committee Recommendation:**Clause 3: Definition of Primary Health Care.**

- (1) Primary Health Care is essential health care made universally accessible to individuals and families in the Communities in Nigeria by means acceptable to them through their full participation and at a cost that the Communities and Nigeria can afford.
- (2) Primary Health Care forms an integral part and nucleus of the social and economic development of the communities in Nigeria and Nigeria's health system" (*Hon. Alaba Lad-Ojomo*) — *Agreed to.*

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

Committee Recommendation:**Clause 4: Components of Primary Health Care.**

Primary Health Care shall include—

- (a) promotion of proper nutrition;
- (b) adequate supply of safe water;
- (c) basic sanitation;
- (d) maternal and child care;
- (e) family planning;
- (f) immunization;
- (g) prevention and control of locally endemic diseases;
- (h) education on prevailing health problems and methods of preventing and controlling them; and
- (i) appropriate treatment for common diseases and injuries." (*Hon. Alaba Lad-Ojomo*) — *Agreed to.*

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

PART III — FUNCTIONS OF THE AGENCY

Committee Recommendation:**Clause 5: The functions of the Agency shall be—**

- (a) to provide support to the National Health Policy by—
 - (i) reviewing existing health policies particularly as to their relevance to the development of primary healthcare and to the integrated development of health services and health manpower and purpose changes when necessary;
 - (ii) preparing alternative proposals for decision makers at all levels based on scientific analysis, including proposals for health legislation, and
 - (iii) assisting the translation of policies into relevant and feasible strategies, based on research evidence, wherever appropriate;
- (b) to provide technical support to the planning, management and implementation of primary healthcare by—
 - (i) stimulating and assisting States and Local Government Areas to initiate or accelerate primary health care development where none is taking place or is at very slow pace, and specifically, by supporting the development of capabilities at Local Government Area level in the planning, reviewing and re-planning of their health programmes;

- (ii) promoting the participation of women at all levels of primary healthcare planning, management and implementation particularly at the Local Government Area level;
 - (iii) conducting studies on health plans for primary healthcare at various levels to see whether they are relevant to the National health policy, feasible and multi-sectoral;
 - (iv) promoting the monitoring of plan implementation at various levels;
 - (v) stimulating the technical development of primary healthcare on an equitable basis in all Local Government Areas, and
 - (vi) providing strategic technical support to the implementation of selected primary healthcare components as may be required to enhance orderly development and improve upon or introduce new skill required for health services or to integrate new components into them.
- (c) to mobilize resources, nationally and internationally, for the development of primary health care in support of the programmes of the Agency and to conduct or commission studies on resource mobilization for health and on issues of cost and financing on equitable basis;
- (d) to provide support to the monitoring and evaluation of National Health Policy by—
 - (i) monitoring the development of the primary healthcare programmes to ensure that it keeps as much as possible within the guidelines set out in the National policy;
 - (ii) developing guidelines and designing frameworks for periodic evaluation of primary healthcare at the various levels, and
 - (iii) checking the monitoring and evaluation process nationally, with particular respect to the developing of capabilities to analyze and make use of monitoring and evaluation of data for management decision-making at Local Government levels.
- (e) to promote health manpower development by—
 - (i) providing technical support to the preparation of health manpower policy, including manpower projections to enhance development of primary healthcare manpower plan;
 - (ii) providing advocacy and support for the orientation of medical undergraduate education and the education of other health professionals towards primary healthcare;
 - (iii) identifying the orientation and continuing education needs of primary healthcare manpower, including medical manpower and by organizing programmes to meet those needs, using the Schools of Health Technology as a resource, and
 - (iv) supporting directly the strengthening of the Schools of Health Technology;
- (f) to provide support to the village health system by—
 - (i) paying special attention and providing maximum support to the training, development, logistic support and supervision of the village health workers and traditional birth assistants, and to the relationship between those workers and their communities and the mechanism which link those workers to the other levels of the health system, and
 - (ii) Paying special attention to the involvement of women and grassroots women's organization in the village health system;

- (g) to promote health systems research by—
 - (i) promote and supporting problem oriented health systems research as a tool for finding better ways for the provision of essential cares as a component of health for all and, in particular, by introducing health systems research in the local Government Area health system and supporting the other levels in this effort;
 - (ii) undertaking or commissioning health systems and operations researches into the functioning of the primary health care programme, and
 - (iii) responding to requests from Government and others agencies in organizing special duties and mobilizing experts who will respond rapidly and in-depth to guide legislative and administrative actions;
- (h) to promote technical collaboration by—
 - (i) stimulating Universities, non-Governmental organizations and international agencies to work with Local Government Areas in nurturing their capacity for problem solving;
 - (ii) encouraging Local Government Areas to seek technical collaboration from other Local Government Areas and other bodies in developing and implementing their primary health care programmes;
 - (iii) promoting collaboration with other sectors at all levels in the development and support of the Local Governments Area primary healthcare systems;
 - (iv) monitoring the collaboration of primary healthcare between the international agencies and Governments at all levels;
 - (v) promoting and organizing the sharing of experience of the Agency with the world community through publications, reports, visitors and other means and the collection of all relevant information from other countries and international organizations and disseminating such information to all interested parties, and
 - (vi) promoting maximum support for all its efforts by networking and creating formal and informal collaboration with relevant Nigerian and international institutions;
- (i) to promote primary healthcare by—
 - (i) advocacy at the level of community leaders, through the mass media and non-Governmental organizations to promote primary health care and by making particular efforts to ensure that elected and party officials are continually oriented towards primary healthcare and health for all;
 - (ii) re-orientating other health professionals towards primary healthcare by means of conferences, seminars and other meetings;
 - (iii) supporting the documentation of primary health care through commissioning of case-studies reviews, books, articles, newsletters and other media productions, as appropriate;
 - (iv) establishing resource centres to serve as national and zonal depositories of information on primary health care implementation;
 - (v) organizing seminars, reviews and other meetings to promote primary health care and share experiences in implementation with a view to strengthening the primary health care system in Local Government Areas; and
 - (vi) providing annual reports which are widely disseminated on the status of primary healthcare implementation nation-wide; and

- (j) support States and Local Governments in their immunization programmes by supplying them with vaccines, needles, syringes, cold chain equipment and such other things and logistics as may be required for those programmes;
- (k) monitor and evaluate the execution of immunization programmes nationwide;
- (l) provide training facilities to the States and Governments for persons involved in their immunization programmes;
- (m) mobilize support from the United Nations Organisation, World Health Organisation, United Nations Children's Fund, non-governmental organizations, voluntary organizations and other concerned groups and individuals, towards the realization of its objective;
- (n) advise the Federal, State and local governments, the private sector and other interested bodies regarding the quality, safety and regulatory provisions on issues relating to immunization;
- (o) compile and publish relevant data resulting from the performance of its functions under this Bill or from other sources; and
- (p) to perform such other functions as may, from time to time, be assigned to it (*Hon. Alaba Lad-Ojomo*) — *Agreed to.*

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

PART IV — STAFF OF THE AGENCY

Committee Recommendation:

Clause 6: Appointment of Executive Director and other Staff of the Agency.

- (1) There shall be appointed for the Agency by the President, Commander-in-Chief of the Armed Forces, an Executive Director whose rank shall be equivalent to that of a Director-General in the Civil Service of the Federation.
- (2) The Executive Director shall be the head of the Secretariat of the Agency and also head the team responsible for guiding the development of the primary healthcare system.
- (3) The Executive Director shall be responsible for the day-to-day administration of the secretariat, keep the books and records of the Agency and be subject to the supervision and control of the Chairman and the Board.
- (4) The Board may, from time to time, appoint for the Agency such other staff, as it may deem necessary, to assist the Executive Director in the performance of his functions under this Bill.
- (5) The Members of staff of the Agency appointed under sub-section(4) of this section shall be appointed on such terms and conditions of service as the Board may, after consultation with the Federal Civil Service Commission, determine.
- (6) The Staff of the Agency shall be public officers as defined in the Constitution of the Federal Republic of Nigeria, as amended (*Hon. Alaba Lad-Ojomo*) — *Agreed to.*

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

Committee Recommendation:

Clause 7: (1) Service in the Agency shall be approved service for the purpose of pensions Act and accordingly, officers and other persons employed in the Agency shall be entitled to pensions, gratuity and other benefits as are prescribed thereunder

- (2) Notwithstanding subsection (1) of this section, the Agency may appoint a person to any office on terms which preclude the grant of a pension, gratuity or other retirement benefits in respect of that office.

- (3) For the purpose of the application of the provisions of the Pensions Act, any power exercisable thereunder by a Minister or other authority of the Government of the Federation, other than the power to make regulations under section 23 thereof, is hereby vested in and shall be exercisable by the Agency and not by any other person or authority (*Hon. Alaba Lad-Ojomo*) — *Agreed to*.

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

PART V — ESTABLISHMENT OF PRIMARY HEALTHCARE ZONES.

Committee Recommendation:

Clause 8: Primary Health care Zones.

For the purpose of effectively discharging its functions under this Bill, the Agency shall decentralize its field activities and for that purpose, cause the country to be divided into four Primary Healthcare Zones made up as follows—

- (a) Zone "A" with Headquarters at Enugu, comprising Abia, Akwa Ibom, Anambra, Benue, Cross River, Enugu, Ebonyi, Bayelsa, Imo and Rivers States;
- (b) Zone "B" with Headquarters at Ibadan, comprising Delta, Edo, Ekiti, Lagos, Ondo, Ogun, Oshun and Oyo States;
- (c) Zone "C" with Headquarters at Kaduna, Katsina, Kebbi, Zamfara, Kogi, Kwara, Niger and Sokoto States and the Federal Capital Territory, Abuja
- (d) Zone "D" with Headquarters at Bauchi, comprising of Adamawa, Bauchi, Gombe, Borno, Jigawa, Kano, Plateau, Taraba and Yobe States (*Hon. Alaba Lad-Ojomo*).

Amendment Proposed:

In line 3, *leave out* the word "four" and *insert* the word "six" instead thereof, to reflect the existing Geopolitical Zones as follows:

- (a) North-Central Zone — Comprising the Federal Capital Territory Abuja, Benue, Kwara, Nassarawa, Kogi, Niger and Plateau States;
- (b) North-East Zone — Comprising Adamawa, Bauchi, Gombe, Borno, Taraba and Yobe States;
- (c) South-East Zone — Comprising Abia, Ebonyi, Anambra, Enugu and Imo States;
- (d) South-West Zone — Comprising Lagos, Ekiti, Ogun, Ondo, Osun and Oyo States;
- (e) North-West Zone — Comprising Jigawa, Kaduna, Zamfara, Katsina, Kebbi, Kano and Sokoto States;
- (f) South-South Zone — Comprising Akwa Ibom, Bayelsa, Cross River, Delta, Edo, Rivers States (*Hon. Leo Ogor*).

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

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

PART VI — FINANCIAL PROVISIONS

Committee Recommendation:

Clause 9: Fund of Agency.

- (1) The Agency shall establish and maintain a fund from which shall be defrayed all expenditure incurred by the Agency.
- (2) There shall be paid and credited to the fund established in pursuance of subsection (1) of this section such payments as may be made to it by the Federal Government for the running expenses of the Agency and all other assets accruing, from time to time, to the Agency (*Hon. Alaba Lad-Ojomo*).

Amendment Proposed:

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

"There shall be paid and credited to the funds:

- (a) allocation from the Federal Government Budget;
- (b) Foreign and assistance from bilateral and multilateral agency;
- (c) Fees charge for services rendered by the Agencies; and
- (d) all sums accruing to the Agency by way of gift, endowments, bequest or other voluntary contributions by persons and organizations,

provided that all the funds generated by the Agency shall be paid into the Consolidated Revenue Fund" (*Hon. Ita Enang*).

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

Question that Clause 9 as amended, stand part of the Bill, put and agreed to.

Committee Recommendation:**Clause 10: Expenditure of the Agency.**

The Agency may, from time to time, apply the proceeds of the fund established in pursuance of section 7 of this Bill--

- (a) to the cost of administration of the Agency;
- (b) for reimbursing members of the Board or of any committee set up by the Board for such expenses as may be expressly authorized by the Board in accordance with the rates approved by the Federal Executive Council;
- (c) to the payment of salaries, fees or other remuneration, allowances, pensions and gratuities payable to the officers and servants of the Agency;
- (d) for the maintenance of any property vested in the Agency; and
- (e) for and in connection with all of its functions under this Bill (*Hon. Alaba Lad-Ojomo*).

Amendment Proposed:

Leave out all the words in subclause (b) (*Hon. Ita Enang*).

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

Question that Clause 10 as amended, stand part of the Bill, put and agreed to.

Committee Recommendation:**Clause 11: Annual Estimates and Accounts.**

- (1) The Board shall, not later than 31st October in each year, submit to the Minister an estimate of the expenditure and income of the Agency during the following year.
- (2) The Board shall keep proper accounts of the Agency in respect of each year and proper records in relation thereto and shall cause the accounts to be audited not later than 6 months after the end of each year by auditors appointed from the list and in accordance with guidelines supplied by the Auditor-General of the Federation (*Hon. Alaba Lad-Ojomo*).

Amendment Proposed:

Leave out all the words in subclause (1) (*Hon. Ita Enang*).

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

Question that Clause 11 as amended, stand part of the Bill, put and agreed to.

PART VII — MISCELLANEOUS

Committee Recommendation:**Clause 12: Annual Reports.**

The Board shall prepare and submit to the Federal Executive Council of Ministers through the Minister, not later than 30th June in each year, a report in such form as he may direct on the activities of the Agency during the immediately preceding year, and shall include in the report a copy of the audited accounts of the Agency for the year and the auditor's report thereon (*Hon. Alaba Lad-Ojomo*) — *Agreed to.*

Question that Clause 12 stand part of the Bill, put and agreed to.

Committee Recommendation:**Clause 13: Access to Records, etc.**

- (1) For the purpose of carrying out the functions of the Agency under this Bill, the Executive Director or any other officer of the Agency authorized in that behalf shall—
 - (a) have a right of access to all the records of any health institution or authority engaged in primary healthcare;
 - (b) by notice in writing served on a person in charge of any health institution or authority require that person or authority to furnish information on such matters as may be specified in the notice;
- (2) It shall be the duty of any person or authority required to furnish information pursuant to subsection (1) of this section to comply with the notice within a reasonable period of time (*Hon. Alaba Lad-Ojomo*) — *Agreed to.*

Question that Clause 13 stand part of the Bill, put and agreed to.

Committee Recommendation:**Clause 14: Power of Minister to give Directives.**

The Minister may give directives of a general or special character to the Agency relating to the performance by the Agency of any or all its functions under this Bill and it shall be the duty of the Agency to comply and give effect to the directives (*Hon. Alaba Lad-Ojomo*) — *Agreed to.*

Question that Clause 14 stand part of the Bill, put and agreed to.

Committee Recommendation:**Clause 15: Regulations.**

The Minister may make regulations for carrying into effect the provisions of the Bill (*Hon. Alaba Lad-Ojomo*) — *Agreed to.*

Question that Clause 15 stand part of the Bill, put and agreed to.

Committee Recommendation:**Clause 16: Interpretation.**

In this Bill, unless the context otherwise requires—

"Agency" means the National Primary Healthcare Service Development Agency established by section 1 of this Bill (*Hon. Alaba Lad-Ojomo*).

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

"Function" includes duties and powers (*Hon. Alaba Lad-Ojomo*).

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

"Minister" means the Minister charged with responsibility for matters relating to health (*Hon. Alaba Lad-Ojomo*).

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

"Primary Healthcare" includes care designed to prevent disease and promote health and out-patient care, including general medical care, maternal and child health care, domiciliary health care and rehabilitation and nursing care, including home visits (*Hon. Alaba Lad-Ojomo*).

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

Question that Clause 16 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 17: Short Title.

This Bill may be cited as the National Primary Healthcare Development Agency (Amendment) Bill, 2009 (*Hon. Alaba Lad-Ojomo*) — *Agreed to.*

Question that Clause 18 stand part of the Bill, put and agreed to.

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD AND THE AGENCY

Proceedings Of The Board.

1. Subject to this Bill and section 27 of the Interpretation Bill, the Board may make standing orders regulating the proceedings of the Board and any committee thereof.
2. Every meeting of the Board shall be presided over by the Chairman and if the Chairman is unable to attend a particular meeting, the members present at the meeting shall elect one of their member to preside at the meeting.
3. The quorum at a meeting of the Board shall consist of the Chairman (or in an appropriate case, the person presiding at the meeting pursuant to paragraph 2 of this Schedule) and six other members.
4. Upon any special occasion, the Board may co-opt any person to be member for as many meeting as may be necessary, and that person while so co-opted shall have all the rights and privileges of a member, except that he shall not be entitled to vote or count towards a quorum.

Committees

5. (1) Subject to its standing orders, the Board may appoint such number of standing and ad-hoc committees as it thinks fit to consider and report on any matter with which the Agency is concerned.
(2) Every Committee appointed under the provisions of sub-paragraph (1) of this paragraph shall be presided over by member of the Board and shall be made up of such number of persons, not necessarily member of the Board, as the Board may determine in each case.
6. The decision of a committee shall be of no effect until it is confirmed by the Agency.

Miscellaneous

7. The fixing of the seal of the Agency shall be authenticated by the signature of the Chairman and of the Executive Director of the Agency or such other member authorized generally or specially by the Board to act for that purpose.
8. Any contract or instrument which, if made by a person not being a body corporate, would not be required to be under seal, may made or executed on behalf of the Agency by the Executive Director or by any other person generally or specifically authorized by the Board to act for that purpose.

9. Any document purporting to be a contract, an instrument or other document signed or sealed on behalf of the Agency shall be received in evidence and, unless the contrary is proved, be presumed without further proof, to have been so signed or sealed.
10. The validity of a proceeding of the Board or a committee thereof shall not be adversely affected—
 - (a) by any vacancy in the membership of the Board; or
 - (b) by any defect in the appointment of a member of the Board or committee; or
 - (c) by reason that a person not entitled to do so took part in the proceeding.
11. A member of the Board or committee who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Board or committee shall not vote on any question relating to the contract or arrangement (*Hon. Alaba Lad-Ojomo*) — *Agreed to*.

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

Long Title:

A Bill for an Act to Amend the National Primary Health Care Development Agency Act, 1992 No. 29 and for Matters Connected Therewith, 2009 (*Hon. Alaba Lad-Ojomo*) — *Agreed to*.

Question that a Bill for an Act to Amend the National Primary Health Care Development Agency Act, 1992 No. 29 and for Matters Connected Therewith, 2009 be the Long Title of the Bill, 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 Committee on Health on a Bill for an Act to Amend the National Primary Healthcare Development Agency Act, 1992 No. 29 and for Matters Connected Therewith, 2009 and approved Clause 1, amended Clause 2, approved Clauses 3 - 7, amended Clauses 8 - 11, approved Clauses 12 - 17, approved the Schedule and the Long Title of the Bill.

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

Extension of Sitting:

Motion made and Question proposed, "That this House do suspend Order IV, Rule 4 to enable it sit beyond 1.30 p.m. (*Hon. Tunde Akogun*)."

Question put and agreed to.

(iii) Committee on Health:

Motion made and Question proposed, "That this House do consider the Report of the Committee on Health on a Bill for an Act to Repeal the National Programme on Immunization Act, 1997 and Transfer the Functions of the National Programme on Immunization to the National Primary Healthcare Development Agency and for Matters Connected Therewith, 2008 and approve the Recommendations therein" (*Hon. Alaba Lad-Ojomo*).

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 THE NATIONAL PROGRAMME ON IMMUNISATION ACT, 1997 AND TRANSFER THE FUNCTIONS OF THE NATIONAL PROGRAMME ON IMMUNISATION TO THE NATIONAL PRIMARY HEALTHCARE DEVELOPMENT AGENCY AND FOR MATTERS CONNECTED THEREWITH

Committee Recommendation:**Clause 1: Repeal.**

The National Programme on Immunisation Act, 1997 is hereby repealed (*Hon. Alaba Lad-Ojomo*) — *Agreed to.*

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

Committee Recommendation:**Clause 2: Dissolution of Management Board.**

The National Programme on Immunisation Management Board (hereinafter referred to as the "Management Board") is hereby dissolved (*Hon. Alaba Lad-Ojomo*) — *Agreed to.*

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

Committee Recommendation:**Clause 3: Transfer of functions and amendment of No. 29 of 1992.**

- (1) In addition to the functions conferred on it by section 3 of the National Primary Healthcare Development Agency Act 1992, the National Primary Healthcare Development Agency (hereinafter referred to as "the Agency") shall —
 - (a) support States and local governments in their immunisation programmes by supplying them with vaccines, needles, syringes, cold chain equipment and such other things and logistics as may be required for those programmes;
 - (b) monitor and evaluate the execution of immunisation programmes nationwide;
 - (c) provide training facilities to the States and governments for persons involved in their immunisation programmes;
 - (d) mobilise support from the United Nations Organisation, World Health Organisation, United Nations Children's Fund, non-governmental organisations, voluntary organisations and other concerned groups and individuals, towards the realisation of its objective;
 - (e) advise the Federal, State and local governments, the private sector and other interested bodies regarding the quality, safety and regulatory provisions on issues relating to immunisation;
 - (f) compile and publish relevant data resulting from the performance of its functions under this Bill or from other sources; and
 - (g) perform such other functions and exercise such other powers not inconsistent with its objective and functions under this Bill as the Minister may, from time to time, assign to it.
- (2) Section 3 of the National Primary Health Care Development Agency Act, 1992 is hereby amended by incorporating the content of subsection (1) as subsection (2) of that section (*Hon. Alaba Lad-Ojomo*) — *Agreed to.*

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

Committee Recommendation:**Clause 4: Saving Provisions.**

- (1) By virtue of this Bill, there shall vest in the Agency all assets, funds, resources and other movable and immovable properties which immediately before the commencement of this Bill were vested in the Programme.
- (2) As from the commencement of this Bill, all rights, interests, obligations and liabilities of the Programme existing before the commencement of this Bill under any contract or instrument, in law or equity, shall by virtue of this Bill be assigned to and vested in the Agency.
- (3) Any proceedings or cause of action pending or existing immediately before the commencement of this Bill by or against the Programme in respect of any right, interest, obligation or liability of the Programme may be commenced or continued, as the case may be, against the Agency.
- (4) Notwithstanding the provisions of this Bill, a person who immediately before the commencement of this Bill was employed in the dissolved Programme, shall be deemed to have been transferred to the Agency on terms and conditions not less favourable than those obtaining immediately before the commencement, of this Bill (*Hon. Alaba Lad-Ojomo*) — *Agreed to.*

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

Committee Recommendation:**Clause 5: Interpretation.**

In this Bill, unless the context otherwise requires —

"Agency" means the National Primary Health Care Development Agency;

"Minister" means the Minister charged with responsibility for health;

"Ministry" means the Federal Ministry of Health (*Hon. Alaba Lad-Ojomo*) — *Agreed to.*

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

Committee Recommendation:**Clause 6: Short title.**

This Bill may be cited as the National Programme on Immunisation (Repeal) Bill, 2009 (*Hon. Alaba Lad-Ojomo*) — *Agreed to.*

Question that Clause 6 stand part of the Bill, 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 Committee of Whole on a Bill for an Act to Repeal the National Programme on Immunisation Act, 1997 and Transfer the Functions of the National Programme on Immunisation to the National Primary Healthcare Development Agency and for Matters Connected Therewith, 2009 and approved the Recommendations.

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

(iv) Committee on Public Petitions:

Report on the Petition by 47 Disengaged Staff of the National Orthopedic Hospital, Enugu:

Motion made and Question proposed, "That this House do consider the Report of the House Committee on Public Petitions on the Petition by 47 Disengaged Staff of the National Orthopedic Hospital, Enugu against the Bureau of Public Service Reforms (BPSR) and approve the Recommendations therein" (Hon. C. I. D. Maduabum).

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)

Debate:

Recommendation (i):

That fair hearing was not given to the petitioners before being disengaged from the service of the National Orthopaedic Hospital, Enugu (the Hospital) (*Hon. C. I. D. Maduabum*) — *Agreed to.*

Question put and agreed to.

Recommendation (ii):

Due process was not followed in the disengagement of the 47 staff of the Hospital (the petitioners) as there was no evidence of approval from the Board of the Hospital and no strict compliance with the provisions of the Generic guidelines for the Reform of Parastatals (*Hon. C. I. D. Maduabum*) — *Agreed to.*

Question put and agreed to.

Recommendation (iii):

That the Bureau of Public Service Reforms, the Honourable Minister of Health and the Medical Director of the National Orthopaedic Hospital, Enugu immediately effect the recall of the 47 disengaged staff of the Hospital (the petitioners) (*Hon. C. I. D. Maduabum*) — *Agreed to.*

Question put and agreed to.

Recommendation (iv):

That the petitioners entitlements be calculated and paid to them effective from the date they received their last salaries, that is December 2007 (*Hon. C. I. D. Maduabum*) — *Agreed to.*

Question put and agreed to.

Chairman to report proceedings.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in the Committee of Whole considered the Report of the Committee on Public Petitions on the Petition by 47 Disengaged Staff of the National Orthopaedic Hospital, Enugu against the Bureau of Public Service Reforms (BPSR) and approved Recommendations (i) - (iv).

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

(v) Committee on Public Petitions:***Report on the Petition by Residents of T. Y. Danjuma Street, Asokoro:***

Motion made and Question proposed, "That this House do consider the Report of the House Committee on Public Petitions on the Petition by Residents of T. Y. Danjuma Street, Asokoro against the Federal Capital Territory Administration (FCTA) and approve the Recommendation therein" (Hon. C. I. D. Maduabum).

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)

Debate:

Recommendation:

That the Federal Capital Territory Administration (FCTA) monitor the contractors working in the area to ensure strict compliance with the master plan of the area (*Hon. C. I. D. Maduabum*) — *Agreed to.*

Question put and agreed to.

Chairman to report proceedings.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in the Committee of Whole considered the Report of the Committee on Public Petitions on the Petition by Residents of T. Y. Danjuma Street, Asokoro against the Federal Capital Territory Administration (FCTA) and approved the only Recommendation.

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

(vi) Committee on Public Petitions:

Report on the Petition by Nelson Okugie:

Motion made and Question proposed, "That this House do consider the Report of the Committee on Public Petitions on the Petition by Nelson Okugie against the Nigerian Postal Service (NIPOST) and approve the Recommendation therein" (*Hon. C. I. D. Maduabum*).

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)

Debate:

Recommendation:

That the petitioner be recalled to the services of Nigerian Postal Service (NIPOST) as no case of fraud or embezzlement was established against him (*Hon. C. I. D. Maduabum*) — *Agreed to.*

Question put and agreed to.

Chairman to report proceedings.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in the Committee of Whole considered the Report of the Committee on Public Petitions on the Petition by Nelson Okugie against the Nigerian Postal Service (NIPOST) and approve the only Recommendation.

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

(vii) Committee on Public Petitions:

Report on the Petition by Mr Felix Anozie:

Motion made and Question proposed, "That this House do consider the Report of the Committee on Public Petitions on the Petition by Mr Felix Anozie against the Federal Ministry of Education and approve the Recommendations therein" (*Hon. C. I. D. Maduabum*).

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)

Debate:

Recommendation (i):

That Mr Anozie's petition be dismissed for lack of merit as he could not exculpate himself of the charges of academic dishonesty and insubordination which led to his disengagement by his employers (*Hon. C. I. D. Maduabum*) — *Agreed to.*

Question put and agreed to.

Recommendation (ii):

Mr Anozie's entitlements be calculated and paid to him accordingly (*Hon. C. I. D. Maduabum*).

Consideration of Recommendation (ii) deferred.

Chairman to report proceedings.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in the Committee of Whole considered the Report of the Committee on Public Petitions on the Petition by Mr Felix Anozie against the Federal Ministry of Education and approved Recommendation (1) and deferred consideration of the Recommendation (ii).

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

7. Adjournment:

And its being 2.10 p.m. the House adjourned till Wednesday, 27 May, 2009 at 2.00 p.m.

Dimeji Sabur Bankole
Speaker