



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Thursday, 2 July, 2009

1. The House met at 10.57 a.m. Mr Deputy Speaker read Prayers.
2. **Votes and Proceedings:**
Mr Deputy Speaker announced that he had examined and approved the Votes and Proceedings of Wednesday, 1 July, 2009.

By unanimous consent, the Votes and Proceedings was adopted.
3. **Announcement:**
Mr Deputy Speaker informed Members that the following Bills would undergo Second Reading during 7, 8 and 9 July, 2009 Sittings:
 - (i) Independent National Electoral Commission Act (Amendment) Bill, 2009 (HB. 233);
 - (ii) Centre for Democratic Studies (Establishment, etc.) Bill, 2009 (HB. 235);
 - (iii) Constitution (Second Amendment) Bill, 2009 (HB. 236);
 - (iv) Political Parties Registration and Regulations Commission (Establishment, etc.) Bill, 2009 (HB. 237);
 - (v) Electoral Offences Commission (Establishment, etc.) Bill, 2009 (HB. 238);
 - (vi) Police Act (Amendment) Bill, 2009 (HB. 234).
4. **Petitions:**
The following petitions were received and referred to the Committee on Public Petitions.
 - (i) Hon. Ita Enang (*Itu/Ibiono Ibom Federal Constituency*), from Sunday Bassey Essien, praying the House to intervene in the alleged wrongful termination of his appointment by the National Universities Commission with a view to re-instating him;
 - (ii) Hon. Sadiq Asema Mohammed (*Ajaokuta Federal Constituency*), from M. A. Adams and 4 others, praying the House to intervene in the alleged wrongful termination of their employment by the Union Bank of Nigeria Plc with a view to ensuring justice;
 - (iii) Hon. Eziuche Ubani (*Ubingwa/Ugwunagbo/Osisioma Federal Constituency*), from Nwobilo Nwankwo, praying the House to prevail on the National Institute for Pharmaceutical Research and Development (NIPRD) to grant him his proprietary rights and other reliefs sought therein.
5. **Presentation of Report:**
Committee on Labour, Employment and Productivity:
Motion made and Question proposed, "That this House do receive the Report of the House Committee on Labour, Employment and Productivity on a Bill for an Act to Establish the National Commission for Conciliation and Arbitration, National Labour Council, the Office of the Register of Trade Unions, etc. to administer the Provisions of Labour Laws in Nigeria and Matters Connected Therewith, 2008" (*Hon. Ado Audu Dogo*).

Question put and agreed to.

Report laid.

6. Special Order No 1, 2009:

Procedure for Amendment of the 1999 Constitution Brought Under Order 1, Rule 1 (2), Standing Orders of the House of Representatives, 2008:

It is hereby moved that pursuant to Order 1, Rule 1 (2) of the Standing Orders of the House, this House do adopt as hereunder, the special procedure for considering Amendments proposed to the Constitution of the Federal Republic of Nigeria, 1999 and Matters ancillary hereto:

- (i) The first and second reading of any Bill for altering the provision of the Constitution of the Federal Republic of Nigeria, 1999 shall be considered and proceeded with in accordance with procedure on Bills in the House Standing orders;
- (ii) Upon the 2nd reading, the Bill shall be committed to the Special Committee of the House on Constitution Alteration;
- (iii) (a) In the clause by clause consideration in Committee of the whole, a clause or question shall be deemed passed if it be supported by positive vote of $\frac{2}{3}$ majority personally present and voting in a roll call;
- (b) If the question be to amend sections 8 and 9 of the constitution (state creation and boundary adjustment or mode of altering provisions of the constitution) requiring $\frac{4}{5}$ majority of Members present and voting, the question shall only be resolved upon the affirmative vote of $\frac{4}{5}$ majority of Members;
- (iv) Thereupon, a clean copy of the Bill shall be prepared and read a third time, by a vote of $\frac{2}{3}$ majority for avoidance of doubt;
- (v) The Bill as passed shall be forwarded to the Senate for concurrence;
- (vi) The Harmonized Bill, upon any possible conference, would then be adopted in the plenary and transmitted by the Clerk to the National Assembly to each of the 36 State Houses of Assembly;
- (vii) Each of the State Houses of the Assembly shall communicate its resolution howsoever to each House of the National Assembly;
- (viii) Upon there being the required majority of the State Houses of Assembly supporting each of the respective clauses severally, each such clause shall be deemed passed and such section of the Constitution shall stand amended;
- (ix) And that this special order shall and do stand as part of the standing orders of the House of Representatives regulating Constitution Amendment, or alteration of the provisions of the Constitution.

Adopted this 2nd day of July, 2009 (*Hon. Ita Enang and 18 others*).

Debate:

Amendments Proposed:

- (i) *Insert* a new Prayer (ii) as follows and renumber accordingly:
"During the debates on amendments proposed to the Constitution, all Honourable Members shall be allotted 5 minutes within which to make submissions in alphabetical order" (*Hon. Henry S. Dickson*).

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

- (ii) *Insert* a new Prayer (x) as follows:
"In view of the provision of Section 9 of the Constitution, the State House of Assembly should send their resolution before the passage the House" (*Hon. Friday Itulah*).

Question that the amendment be made, put and negatived.

(iii) *Insert a new Prayer (x) as follows:*

"That Section 9, 4 (2) of the Constitution states that notwithstanding any vacancy number of Members of each House of the National Assembly should be as specified in Sections 48 and 49" (*Hon. Betty Apiati*).

Question that the amendment be made, put and negatived.

(iv) *Insert a new Prayer (x) as follows:*

"To eliminate all suggestive prayers in the motion that seek to re-state duplicate or amend any section of the Constitution i.e. (IV) - (VIII)" (*Hon. Barnabas Y. Bala*).

Question that the amendment be made, put and negatived.

(v) *Insert a new Prayer (x) as follows:*

"The Committees on Judiciary, Justice and Rules and Business, articulate and consider other procedural problems the House will encounter during constitutional amendment" (*Hon. Ibejiako Ernest*).

Question that the amendment be made, put and negatived.

Main question as amended, put and agreed to.

It is hereby moved that pursuant to Order 1, Rule 1 (2) of the Standing Orders of the House, this House do adopt as hereunder, the special procedure for considering Amendments proposed to the Constitution of the Federal Republic of Nigeria, 1999 and Matters ancillary hereto:

- (i) The first and second reading of any Bill for altering the provision of the Constitution of the Federal Republic of Nigeria, 1999 shall be considered and proceeded with in accordance with procedure on Bills in the House Standing orders;
- (ii) During the debates on amendments proposed to the Constitution, all Honourable Members shall be allotted 5 minutes within which to make submissions in alphabetical order;
- (iii) Upon the 2nd reading, the Bill shall be committed to the Special Committee of the House on Constitution Alteration;
- (iv)
 - (a) In the clause by clause consideration in Committee of the whole, a clause or question shall be deemed passed if it be supported by positive vote of $\frac{2}{3}$ majority personally present and voting in a roll call;
 - (b) If the question be to amend sections 8 and 9 of the constitution (state creation and boundary adjustment or mode of altering provisions of the constitution) requiring $\frac{4}{5}$ majority of Members present and voting, the question shall only be resolved upon the affirmative vote of $\frac{4}{5}$ majority of Members;
- (v) Thereupon, a clean copy of the Bill shall be prepared and read a third time, by a vote of $\frac{2}{3}$ majority for avoidance of doubt;
- (vi) The Bill as passed shall be forwarded to the Senate for concurrence;
- (vii) The Harmonized Bill, upon any possible conference, would then be adopted in the plenary and transmitted by the Clerk to the National Assembly to each of the 36 State Houses of Assembly;
- (viii) Each of the State Houses of the Assembly shall communicate its resolution howsoever to each House of the National Assembly;
- (ix) Upon there being the required majority of the State Houses of Assembly supporting each of the respective clauses severally, each such clause shall be deemed passed and such section of the Constitution shall stand amended;
- (x) And that this special order shall and do stand as part of the standing orders of the House of Representatives regulating Constitution Amendment, or alteration of the provisions of the Constitution.

Adopted this 2nd day of July, 2009 (HR. 42/2009).

7. Adjournment:

That this House do now adjourn till Tuesday, 7 July, 2009 at 10.00 a.m. (*Hon. Baba Shehu Agaie*).

Adjourned accordingly at 1.30 p.m.

Nafada Bayero Usman
Deputy Speaker