



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 28 July, 2009

1. The House met at 11.00 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 Thursday, 23 July, 2009.

By unanimous consent, the Votes and Proceedings was adopted.

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

(i)



**PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA**

15th July, 2009

*Rt. Hon. Dimeji Bankole
Speaker of the House of Representatives,
National Assembly Complex,
Abuja.*

Dear brother,

***BILL FOR AN ACT TO MAKE PROVISION FOR NON CONVICTIONS-BASED
FORFEITURE OF PROCEEDS AND INSTRUMENTALITIES OF UNLAWFUL ACTIVITY***

I forward herewith for kind consideration and passage into law, the attached draft Bill for an Act to Make Provision for Non Convictions-based Forfeiture of Proceeds and Instrumentalities of Unlawful Activity.

Pursuant to the above therefore, and in line with the powers vested in the National Assembly, I hereby present the said Bill for the kind consideration of the Honourable Members of the House of Representatives of the Federal Republic.

Honourable Speaker, it is my hope that, in the usual tradition of the House of Representatives, this will receive expeditious consideration.

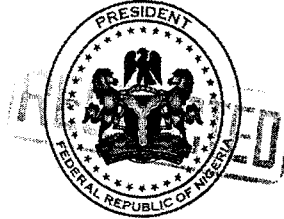
Please accept, as usual, the assurances of my highest consideration.

Yours sincerely,

(Signed)

UMARU MUSA YAR'ADUA

(ii)



**PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA**

27th July, 2009

*Rt. Honourable Dimeji Bankole, CFR
Honourable Speaker, House of Representatives,
National Assembly Complex, Three Arms Zone,
Abuja.*

Dear brother,

**REQUEST FOR ENDORSEMENT OF EMERGENCY SUPPLEMENTARY EXPENDITURE
AND MODIFICATION OF FINANCING ITEMS**

I am writing to request for the kind consideration of the House of Representatives in endorsing emergency supplementary expenditure requirements as well as a modification of the financing items in respect of the 2009 Budget, to enable a more effective response to current challenges.

You may recall, Rt Honourable Speaker that, when the House of Representatives assented to the 2009 Appropriation Act, I had drawn attention to certain items that were inadvertently omitted or insufficiently provisioned for in the 2009 Appropriation Bill. In addition to these, some urgent needs have arisen recently which require immediate attention. Details of these expenditure items are attached as annex to this letter for your consideration and endorsement.

In relation to the request for endorsement of alternative financing sources, you would recall that the funding of the 2009 Budget had been premised on, among other things, borrowing from International Capital Markets through issuance of \$500 million Naira-denominated Eurobond.

With the global credit crunch, there is a risk that the proposed bond issue will be undersubscribed and over-priced, especially since Nigeria is a first-time issuer. We gave consideration to raising additional financing from the domestic market through government's bond issuance program but have to moderate this, to avoid causing significant strains in the financial markets and crowding out of private sector borrowers. As an alternative, we have sourced special concessional facility from the World Bank to substitute the amount we would have raised from the international capital markets.

The concessionary terms for the World Bank facility include zero interest rate, 0.75% service charge and 0.5% commitment charge on undisbursed balance, 10-year grace period and 40-year repayment period, as contrasted with the indicative terms for ICM borrowing of 16-18% coupon rate with no grace period. In the circumstance, we are seeking concurrence of the National Assembly to substitute the proposed Naira-denominated Eurobond, which has already been provisioned for in the 2009 Budget, with a World Bank Concessional Credit Facility in an equivalent amount of \$500 million. The amount will assist in preserving critical expenditure in core infrastructure, including power, works, transport, and aviation.

In order to address dwindling revenues and further bridge financing gap, we propose to utilize the gains accrued from exchange rate differential between the budgeted exchange rate of \$1 dollar to ₦125 and the actual exchange rate during the year. As at end June, this amounted to ₦98.873 billion Naira. In addition, we are seeking formal endorsement of the National Assembly to utilize the balance of the Federal Government's share of the Excess Crude, distributed earlier this year, which amounts to ₦53.999 billion. Part of the Federal Government's share (USD287 Million) was applied at source to partially off-set outstanding debts to some State

Governments in relation to the Paris Club debt exit payments, as per prior agreement.

May I seize this opportunity to intimate you about concerted efforts being made to accelerate the pace of budget implementation. In this regard, various measures have been put in place to monitor and track budget execution as well as simplify the procurement process. You may also wish to note that while funding constraints have contributed to budget implementation delays during the second quarter, the Federal Ministry of Finance would be in a position to make third quarter capital releases fully to all MDAs, once the exchange rate differential and Excess Crude are captured as financing items.

In addition, the Federal Ministry of Finance expects to make additional releases by end August, to accommodate shortfalls recorded in the second quarter by some MDAs, as additional funds accrue.

Rt Honourable Speaker, while wishing you and your Honourable colleagues a restful recess, I look forward to the continuation of our fruitful collaborative relationship.

Yours sincerely,

(Signed)

UMARU MUSA YAR'ADUA

Message referred to the Committee on Appropriations.

4. Announcement:

Communication from the Senate, Federal Republic of Nigeria;

Mr Deputy Speaker read the following communications from the Senate, Federal Republic of Nigeria:



The President,

Senate of the Federal Republic of Nigeria

NASS/S/SP/SPkR/004/07

8th July, 2009

*His Excellency,
Rt Hon. Dimeji Bankole, CFR,
The Speaker,
Federal House of Representatives,
National Assembly Complex,
Three-Arms-Zone,
Abuja.*

Your Excellency,

***RE: REQUEST FOR CONFIRMATION OF APPOINTMENT OF
CHAIRMAN AND MEMBERS OF THE GOVERNING BOARD OF THE
NIGER DELTA DEVELOPMENT COMMISSION (NDDC)***

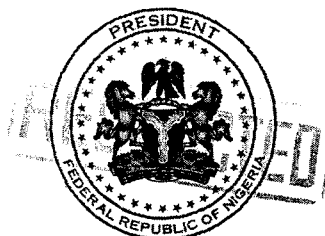
*Please find attached copy of a letter from His Excellency, the President, Commander-in-Chief, Federal Republic of Nigeria, Alh. Umaru Musa Yar'adua, GCFR, requesting for confirmation of the **Chairman and Members of the Governing Board of the Niger Delta Development Commission [NDDC]** by the Senate.*

*2. This is in accordance with Section 2 (2) of the NDDC Act which states that "the **Chairman and other members of the Board shall be appointed by the President, Commander-in-Chief of the Armed Forces subject to the confirmation of the Senate, in consultation with the House of Representatives**".*

3. In furtherance thereto, I will appreciate your comments in respect of the nominees at your earliest convenience.

4. Accept please, the assurance of my highest personal regards and consideration.

SENATOR (DR) DAVID A. B. MARK, GCON, fnim
PRESIDENT OF THE SENATE



PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA

2nd July, 2009

Distinguished Senator David Mark
President of the Senate of the Federal Republic,
National Assembly Complex,
Abuja.

Dear brother,

**REQUEST FOR CONFIRMATION OF APPOINTMENT OF CHAIRMAN AND
MEMBERS OF THE GOVERNING BOARD OF THE NIGER DELTA
DEVELOPMENT COMMISSION (NDDC)**

I forward herewith the under listed as nominees for kind consideration for appointment as Chairman and Members of the Governing Board of the Niger Delta Development Commission, by the Senate of the Federal Republic of Nigeria in consultation with the House of Representatives, in line with Section 2 (2) of the Niger Delta Development Commission (NDDC) Act.

S/No.	Name	State/Body	Designation
1.	Larry Koïyan, AVM (rtd)	Bayelsa	Chairman
2.	Chibuzor Ugwoha	Managing Director (Rivers)	Full Time Member
3.	Arc. Esoetok Ikpong Ikpong Etteh	Executive Director (Projects) Akwa Ibom	Full Time Member
4.	Pastor Power Aginighan	Executive Director (Finance and Accounts) Delta	Full Time Member
5.	Mr Aloysius Nwagboso	Abia	Part Time Member
6.	Chief (Barr) Bassey Dand Abia	Akwa Ibom	Part Time Member
7.	Mr Anthony Orubo	Bayelsa	Part Time Member
8.	Hon. Ekpo Asuquo Okon	Cross River	Part Time Member
9.	Mr Emmanuel O. Ogidi	Delta	Part Time Member
10.	Hon. Jude I. Ise-Idehen	Edo	Part Time Member
11.	Akeru Ikechukwu Joseph	Imo	Part Time Member
12.	Barr. Benson G. Enikuomehin	Ondo	Part Time Member
13.	Engr Emmanuel T. Georgewill	Rivers	Part Time Member
14.	Dr Rabiù Musa Kwankwaso	Representative of Non-Oil Mineral Producing States (N/W)	Part Time Member

- | | | | |
|-----|------------------------------------|---|-------------------------|
| 15. | <i>Maj. Gen. Tunde Obeha (rtd)</i> | <i>Representative of Non-Oil Mineral Producing States (N/C)</i> | <i>Part Time Member</i> |
| 16. | <i>Alhaji Asheikh Jarma</i> | <i>Representative of Non-Oil Mineral Producing States (N/E)</i> | <i>Part Time Member</i> |
| 17. | <i>Dr Daru Owei</i> | <i>Representative of Oil Producing Companies in the Niger Delta</i> | <i>Part Time Member</i> |

Distinguished President of the Senate, it is my hope that, in the usual tradition of the Senate of the Federal Republic, this will receive expeditious consideration.

Please accept, as usual, the assurances of my highest consideration.

Yours sincerely,

(Signed)

UMARU MuSA YAR'ADUA

Communication referred to the Committee on Niger Delta Development Commission and to report back on Thursday, 30 July, 2009.

5. Petition:

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

Hon. Yusuf Bello Mai'adua (*Daura/Mai'adua Sandamu Federal Constituency*), from Mallam Danlarai Lawal, praying the House to intervene in the multiple injuries he sustained as a result of gun shot by one Yangari, a Police Constable and to ensure that justice is done in the matter.

6. Matter of Urgent Public Importance:

Citing Order VIII, Rule 4 of the House Standing Orders, Hon. Rabe Nasir drew the attention of the House to the violent clashes between religious fanatics and Security Agencies in Bauchi, Borno, Yobe and Kano States resulting in the loss of lives and property. For timeously control of the incident, he urged the House to consider the matter as one of Urgent Public Importance.

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

Question that the Order VIII, Rule 4 (3) be suspended to enable the House debate the matter forthwith, put and agreed to.

7. Recent Religious Crisis in Bauchi, Bornu, Yobe and Kano States.

Motion made and Question proposed;

The House:

Notes that in the last four days, the country has witnessed another religious mayhem in some parts of the North notably Bauchi, Borno, Yobe and Kano State where some zealous religious sect acting at variance with the provision of Islamic injunctions engaged Police formations which resulted in the death of more than 100 people including some Policemen and at least one soldier;

Recalls that similar restiveness has occurred a few years ago in Gambarun Ngala in Borno State which also resulted in the death of many people including Security Officers. The ugly incident spilled over to Kanamma in Yobe State about a month after causing several deaths;

Worried that this incessant religious restiveness in the country which always take the same pattern apparently elude the vigilance of the Security and intelligence agencies — which portrays a clear case of intelligence failure;

Regrets that religious violence have the tendencies of spreading to the rest of the country with all the accompanying destructive effects on the harmony, unity and tranquility of the heterogeneous nation we have,

Resolves to:

- (i) Urge the Inspector-General of Police and Director-General of State Security Service to investigate the immediate and remote causes of the restiveness and proffer permanent solution to this recurring religious carnage;
- (ii) Further urge the Federal Government that in the event of its reoccurrence despite the over-whelming presence of the Security and Intelligence Agencies, Officers under whose jurisdiction the incident happened should be reprimanded, if their inaction or dereliction is established (*Hon. Rabe Nasir*).

Debate:

Question put and agreed to.

Resolved, that:

The House:

Noted that in the last four days, the country had witnessed another religious mayhem in some parts of the North notably Bauchi, Borno, Yobe and Kano State where some zealous religious sect acting at variance with the provision of Islamic injunctions engaged Police formations which resulted in the death of more than 100 people including some Policemen and at least one soldier;

Recalled that similar restiveness had occurred a few years ago in Gambarun Ngala in Borno State which also resulted in the death of many people including the Security Officers. The ugly incident spilled over to Kanamma in Yobe State about a month after causing several deaths;

Worried that this incessant religious restiveness in the country which always take the same pattern apparently elude the vigilance of the Security and intelligence agencies — which portrays a clear case of intelligence failure;

Regretted that religious violence had the tendencies of spreading to the rest of the country with all the accompanying destructive effect on the harmony, unity and tranquility of the heterogeneous nation we have,

Resolved to:

- (i) Urge the Inspector-General of Police and Director-General State Security Service to investigate and establish the immediate and remote causes of the restiveness and proffer permanent solution to this recurring religious carnage;
- (ii) Further urge the Federal Government that in the event of its reoccurrence despite the over-whelming presence of the Security and Intelligence Agencies, Officers under whose jurisdiction the incident happened should be reprimanded, if their inaction or dereliction is established (**HR. 49/2009**).

8. Presentation of Bills:

- (i) Certain Political Public and Judicial Office Holders (Salaries and Allowances, etc.) Amendment Bill, 2009 — *Read the First Time*.
- (ii) State of the Nation Address, Bill 2009 — *Read the First Time*.
- (iii) Oil and Pipelines Act (Amendment) Bill, 2008 — *Read the First Time*.

9. Presentation of Reports:

- (i) **Committee on Communications:**
Motion made and Question proposed, "That this House do receive the Report of the Committee on Communications on the Nigerian Communications Commission (NCC) Statutory Budget, 2009" (*Hon. Dave Salako*).

Question put and agreed to.

Report laid.

(ii) **Joint Committee on Petroleum Resources (Upstream) and Gas Resources:**

Motion made and Question proposed, "That this House do receive the Report of the Joint Committee on Petroleum Resources (Upstream) and Gas Resources on a Bill for an Act to Provide for the Development of Nigerian Content in the Nigerian Oil and Gas Industry; for Nigerian Content plan; for Supervision, Coordination, Monitoring and Implementation of Nigerian Content and for Matters Incidental Thereto" (*Hon. Bassey Otu*).

Question put and agreed to.

Report laid.

10. **Backlog of Nigerian Graduates Awaiting National Youth Service Corps (NYSC) Scheme:**

Motion made and Question proposed;

The House:

Notes that the National Youth Service Corps (NYSC) scheme is a compulsory exercise for every Nigerian graduate;

Further notes that the National Youth Service Corps discharge/exemption certificate is a pre-requisite for any graduate employment in Nigeria;

Aware that prospective corps members spend between 6 months to 1 year after graduation before participating in the National Youth Service Corps Scheme;

Worried that most Nigerian Universities fail to process the final results of graduating students until after 6 months to 1 year and these do not augur well for the progress of these students;

Regrets that unless immediate steps are taken by the concerned Universities to prepare these graduates for the National Youth Service Corps as at and when due, we may in future destroy our tomorrow leaders;

Resolves to:

- (i) Urge the National Universities Commission (NUC) to compel all Universities to prepare and release the results for graduating students not later than 2 months after the final examinations;
- (ii) Further urge the National Youth Service Corps (NYSC) to mobilize all corps members as at when due;
- (iii) Mandate the Committee on Education to investigate the Universities in default and report to the House within two weeks (*Hon. Ekperikpe L. Ekpo and 41 Others*).

Debate:

Question put and agreed to.

Resolved, that:

The House:

Noted that the National Youth Service Corps (NYSC) scheme was a compulsory exercise for every Nigerian graduate;

Further noted that the National Youth Service Corps discharge/exemption certificate was a pre-requisite for any graduate employment in Nigeria;

Aware that prospective corps members spent between 6 months to 1 year after graduation before participating in the National Youth Service Corps Scheme;

Worried that most Nigerian Universities fail to process the final results of graduating students until after 6 months to 1 year and these do not augur well for the progress of these students;

Regretted that unless immediate steps were taken by the concerned Universities to prepare these graduates for the National Youth Service Corps as at and when due, we might in future destroy our tomorrow leaders;

Resolved to:

- (i) Urge the National Universities Commission (NUC) to compel all Universities to prepare and release the results for graduating students not later than 2 months after the final examinations;
- (ii) Further urge the National Youth Service Corps (NYSC) to mobilize all corps members as at when due;
- (iii) Mandate the Committee on Education to investigate the Universities in default and report to the House within two weeks (HR. 50/2009).

11. A Bill for an Act to make it Compulsory for the Government of Nigeria and its Agencies to Award Construction Contracts up to ₦2 Billion to Nigerian Indigenous Construction Companies and for other Connected Purposes, 2009 — Second Reading:

Motion made and Question proposed, "That a Bill for an Act to make it Compulsory for the Government of Nigeria and its Agencies to Award Construction Contracts up to ₦2 Billion to Nigerian Indigenous Construction Companies and for other Connected Purposes, 2009 be now read a Second Time (Hon. Halims Agoda).

Debate:

Question that the Bills be now read a Second Time, put and agreed to.

Bills read the Second Time and referred to the Committee on Public Procurements.

12. Consideration of Reports:

(i) Ad-Hoc Committee on Nigerdock:

Motion made and Question proposed, "That this House do resume consideration of the Report of the Ad-Hoc Committee on Nigerdock on the Investigation into Threats to National Security and Economic Interest of Nigeria at Niger Dock Premises and approve the Recommendations therein" (Hon. Tunde Akogun).

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)

Recommendation (i):

"That the Presidential Orders on the stoppage of Midstream discharge of Cargo and closure of private jetties nationwide must continue to be enforced by all Stakeholders of the Port operation for the Economic and Security interest of the Nation" (Hon. Tunde Akogun).

Question put and agreed to.

Recommendation (ii):

"That the Federal Ministry of Commerce should be directed to withdraw the NEPZA Licence granted to SIMCO Free Zone Company (Formerly Nigerdock Free Zone Enterprises) since they are not registered to operate in Nigeria and in furtherance to the National Economic and Security interest of the Nation" (Hon. Tunde Akogun).

Question put and agreed to.

Recommendation (iii):

"That the Nigerian Export Processing Zone Authority Decree No. 63, 1992 should immediately be amended to conform with the Economic and Security interest of the Nation" (Hon. Tunde Akogun).

Amendment Proposed:

Leave out all the words in Recommendation (iii) and *insert* the following instead thereof:

"The House Committee on Commerce commence the process of amending Decree No. 63, 1992 to conform with the economic and security interest of the nation" (Hon. Ibrahim Balla).

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

Recommendation (iv):

"That the first and Second Share Purchase Agreement transferring 51 % and 29% shares of Federal Government of Nigeria in Nigerdock Plc to GEC and GCE Shipyards and Marine Contractor (Africa) should be reviewed to conform to the 1st schedule of the Public Enterprise Privatization and Commercialization 1999 Act" (*Hon. Tunde Akogun*).

Question put and agreed to.

Recommendation (v):

"That the House to direct the Committee on Privatization and Commercialization to further investigate whether or not the alleged payments made amounting to ₦1.72bn by Nigerdock Plc (Core Investors), was actually paid by Bureau of Public Enterprises (BPE) to the Central Bank of Nigeria (CBN) Privatization Proceeds Accounts (*Hon. Tunde Akogun*).

Debate:

Amendments Proposed:

- (i) Leave out all the words in Recommendation (v) and insert the following instead thereof:
 "Direct the *Ad-hoc* Committee to conclude further investigation whether or not the alleged payment made amounting to ₦1.72 billion by Nigerdock Plc (Core investors) was actually paid by Bureau of Public Enterprises (BPE) to the Central Bank of Nigeria (CBN) privatization proceeds accounts" (*Hon. Terngu Tsegba*).

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

- (ii) Insert a new Recommendation (vi) as follows:
 "those identified to have violated the Presidential Order must be investigated, identified and sanctioned" (*Hon. Abdul Ahmed Ningi*).

Question that the amendment be made, 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 *Ad-Hoc* Committee on Nigerdock on the Investigation into Threats to National Security and Economic Interest of Nigeria at Nigerdock Premises and approved Recommendations (i) - (ii), amended Recommendation (iii), approved Recommendation (iv), amended Recommendation (v) and approved new Recommendation (vi).

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

- (ii) **Joint Committee on Aids, Loans and Debt Management and Commerce:**
Motion made and Question proposed, "That this House do consider the Report of the Joint Committee on Aids, Loans and Debt Management and Commerce on a Bill for an Act to Establish the National Institute of Credit Administration and for Matters Connected Therewith 2008 and approve the Recommendations therein" (*Hon. Abubakar A. Yari*).

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 THE NATIONAL INSTITUTE OF CREDIT ADMINISTRATION
 AND FOR MATTERS CONNECTED THEREWITH, 2009

PART I — ESTABLISHMENT, ETC. OF NIGERIA INSTITUTE OF CREDIT ADMINISTRATION

Committee Recommendation:

- Clause 1: (1) There is established a body known as the Nigeria Institute of Credit Administration (in this Bill referred to as "the Institute") which shall among other things, have the

objectives of—

- (a) serving as national body of expertise for all matters relating to credit management;
 - (b) overseeing the implementation and monitoring of national standards for credit management practice;
 - (c) setting professional standards and awarding professional qualifications in credit management;
 - (d) testing and assessing those who wish to become members;
 - (e) enhancing, promoting and protecting the interests of business credit providers and grantors;
 - (f) enacting binding professional code of ethics on credit managers and their executives;
 - (g) consulting with and making recommendations to the government, regulatory bodies, trade associations, academic community and other professional bodies on all matters relating to credit management;
 - (h) providing range of services and programmes aimed at keeping Nigerian credit managers and their executives up-to-date by developing their Professional skills, elevating their status and inculcating ethics in their service of managing credit for their employers, among others;
 - (j) developing and maintaining sound and industry-driven credit management and administration educational programmes in Nigeria; and
 - (g) maintaining high-level discipline and ethics among its members.
- (2) The Institute shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name. It shall have power to acquire and dispose of interest in movable and immovable property.
- (3) Subject to the provisions of this Bill, a person admitted to membership of the Institute shall be registered as a member of the profession in the category of—
- (a) Fellow;
 - (b) Member;
 - (c) Associate
 - (d) Graduate;
 - (e) Corporate member; or
 - (f) Student.

Membership of the Institute shall be by admission and examination only.

Qualification and Entry Requirement Fellow of Nigeria Institute of Administration:

- (4) (a) A Candidate shall not be a Fellow of the Institute unless he belongs to a notable profession and has record of academic achievement in the Field of Credit, financial and general management, or occupies top level position in management with function having to with credit, financial accounting and marketing in a directorate or senior management capacity either at present or in the past; including membership of related professional institute on similar grades

Member of Nigeria Institute of Credit Administration:

- (b) A Candidate cannot be a member of the Institute unless he possesses good Honours degree or its equivalent with relevant work experience at middle management level with function management, accounting, banking or economics of not less than five years. In addition, a candidate with evidence of professional membership in the same grade or "associate grade" obtained from relevant recognised professional body.
- (c) an associate, if—
 - (i) he is at least twenty-five years of age and has had not less than three years relevant professional working experience and personally engaged in matters relating to credit management and administration;
 - (ii) he is the holder of a certificate of the examination of the Institute and has been a credit management graduate member for a continuous period of not less than 12 months; and
 - (iii) he is otherwise considered by the Governing Council, to be a fit.

Associate of Nigeria Institute of Credit Administration

- (5) (a) A Candidate to qualify as an Associate of the Institute must have completed the Institute Part III Professional examination. However certificate with good Honours degree or its equivalent in banking, accounting, and finance, marketing or economic with relevant work experience in credit management of not less than three years may be considered
- (b) Associate of Nigeria Institute of Credit Administration shall be "AICA" (*Hon. Abubakar Abdulaziz Yari*) — *Agreed to.*

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

Committee Recommendation:**Clause 2: Control and Supervision of Credit Management and Administration Profession.**

Subject to this Bill, the Institute shall have the control and supervision of the profession of credit management and administration (in this Bill referred to as "the profession"), in Nigeria (*Hon. Abubakar Abdulaziz Yari*) — *Agreed to.*

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

Committee Recommendation:**Clause 3: Function of the Institute**

- (1) Without prejudice to section 1 of this Bill, it shall be the function of the Institute to —
 - (a) Set standards and code of ethics for those engaged or who should engage in the practice or carrying out the functions of credit management and administration solutions, including all the elements of credit and business information decision tools and the appraisal process involved in credit advancement;
 - (b) Set standards and sanction any organization or individual who wishes to introduce any credit product into the market, having to do with credit extension or credit mitigation to individual members of the public or corporate organizations. In this case, the Institute shall be the only national body vested with power to set conditions and standards for corporate bodies and individuals who desire to float or introduce any product into the market with intention to either extend credit, facilitate credit, mitigate credit or guarantee credit;
 - (c) determine and establish national standards of knowledge, proficiency and achievement in credit management and administration and provide a means for recognition of those who attain the standard from time to time, by the Institute;

- (d) co-operate with colleges and university schools of business administration and other related professional schools and associations to develop programmes of study in credit management, credit administration and credit risk measurement;
 - (f) secure, in accordance with the provisions of this Bill, the establishment and maintenance of a register of fellows, members, associates, honorary fellows and retired members of the profession and the publication, from time to time, of lists of those persons;
 - (g) encourage and advance education, practical training, and research into the profession; and
 - (h) conduct examinations in the profession and award certificates or diplomas to successful candidates as appropriate, and for such purposes the Institute shall prescribe fees to be paid in respect thereof.
- (2) The Institute shall be the supervisory authority for this Bill and shall for that purpose —
- (a) register and regulate credit management professional practice activities, and control and supervise their activities with a view to maintaining proper standards of conduct and acceptable credit administration practices;
 - (b) make rules consistent with the provisions of this Bill, for the proper functioning of institutions under this Bill;
 - (c) take measures to protect the interests of credit information subjects;
 - (d) protect the integrity of the credit management system in Nigeria against any abuses;
 - (e) impose penalties for the breach of this Bill and Regulations made hereunder;
 - (f) undertake such other activities as are necessary or expedient for giving full effect to the provisions of this Bill; and
 - (g) perform other functions specified under this Bill (*Hon. Abubakar Abdulaziz Yari*) — *Agreed to.*

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

Committee Recommendation:

Clause 4: Requirement of Licence for Credit Management Consulting Practice

No persons shall —

- (a) establish, operate, or otherwise conduct business as a credit insurance agency, credit factoring company, credit guarantee organization, debt recovery and management agent, credit and business information reference company, credit facility monitoring firm, credit card company, receivables management consulting firm, credit scoring company, micro credit consulting company, credit derivatives consulting company; or
- (b) hold themselves out to the public as engaging in any credit management services or such activities as may be considered an aspect of or relating to credit management, unless that person has obtained a professional practice license for that purpose from the Institute;
- (c) The Institute membership shall be open to corporate bodies
- (d) Membership of the Institute by corporate bodies shall be on application subject to the Institute's screening committee and with the approval of the Governing council

- (e) licences granted by the Institute to corporate bodies shall be part of requirement by the Corporate Affairs Commission for the incorporation of any company whose business activities are directly or indirectly involved in all aspects of credit management and credit services including credit monitoring, risk mitigation, credit facilitation, credit projection, credit enhancement, credit default repairs, credit purchase stimulation, credit card issuance, receivable management, credit derivatives and guarantees (*Hon. Abubakar Abdulaziz Yari*) — *Agreed to.*

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

Committee Recommendation:

Clause 5: Application for licence

- (1) A person who wishes to carry on credit management services as specified in section 4 of this Bill shall apply in writing in the prescribed form to the Institute for a professional practice license.
- (2) The Institute shall within sixty days of receiving an application for a professional practice license and upon satisfying itself that the applicant has satisfied all pre-conditions including the payment of any fees required for approval, grant the license to the applicant.
- (3) The Institute may grant a professional practice license subject to such conditions or restrictions as it thinks fit, and the Institute may at any time by written notice to a credit management firm or credit information firm or credit investigation organization among others, vary any condition or restriction in relation to the license.
- (4) The license issued by the Institute shall be valid until revoked by the Institute under this Bill.
- (5) Where the Institute is not satisfied with an application, it may in writing to the applicant, within thirty days after receiving the application:
- (a) request the applicant to rectify any error in the application or satisfy any pre-condition for the grant of approval, within twenty-one days and grant the approval upon the rectification of the error or satisfaction of the pre-conditions within the specified time; or
- (b) refuse to grant the approval.

where an application for a license is refused, the Institute shall state the reasons for the refusal, in the notice of the refusal to the applicant (*Hon. Abubakar Abdulaziz Yari*) — *Agreed to.*

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

Committee Recommendation:

Clause 6: Professional practice licensing.

- (1) The Institute shall not license a person as a professional credit management practitioner unless that person —
- (a) has attained the status of at least Member (MICA) of the Institute;
- (b) is incorporated in Nigeria as a company under the Companies and Allied Matters Act 1990 solely for the purpose of carrying on credit management activities;
- (c) the professional qualification of the Institute such as member of the Institute of Credit Administration (MICA) or Fellow of the Institute of Credit Administration (FICA) shall be part of requirements by the Corporate Affairs Commission for the incorporation of any company whose business activities are directly or indirectly involved in all aspects of credit management and credit services including credit monitoring, risk mitigation, credit facilitation, credit protection, credit enhancement, credit

default repair, credit purchase stimulation, credit card issuance, receivables management, credit derivatives and guarantees;

- (d) Has, in the opinion of the Institute, sufficient human, financial and operational resources to enable it perform its functions efficiently in terms of this Bill, or presents to the Institute, a credible plan to acquire or develop those resources;
- (e) Submits a satisfactory business plan to the Institute, including plans to adopt mechanisms to gather, input, integrate, update, validate, ensure efficiency in its services: and provide security for data (*Hon. Abubakar Abdulaziz Yari*) — *Agreed to.*

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

Committee Recommendation:

Clause 7: President and Vice President of the Institute.

- (1) There shall be a President and two Vice-Presidents of the Institute, who shall be fellows of the Institute, to be elected by the members of the Institute and shall each hold office for a term of two years from the date of election.
- (2) The President shall be the Chairman at each general meeting of the Institute, so however that, in the event of the death, incapacity or inability for any reason of the President to perform his duty, the first Vice-President shall act in his stead for the unexpired portion of the term of the office, or as the case may require, and references in this Bill to the President shall be construed accordingly.
- (3) The President and the first Vice-President shall respectively be Chairman and Vice-Chairman of the Governing Council established by section 8 of this Bill.
- (4) If the President or any of the Vice-Presidents ceases to be a member of the Institute, he shall cease to hold any of the office designated under this section (*Hon. Abubakar Abdulaziz Yari*) — *Agreed to.*

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

Committee Recommendation:

Clause 8: Establishment of Governing Council.

- (1) There is established a Governing Council for the Institute, charged with responsibility for the policy matters of the Institute.
- (2) The Governing Council shall consist of the following members, being fellows, members, and associates appointed;" or elected as case may be, as follows —
 - (a) The President of the Institute, who shall be the Vice-Chairman;
 - (b) The two Vice-Presidents of the Institute, who shall be Vice-Chairman on rotation;
 - (d) The Treasurer of the Institute;
 - (e) Past Presidents of the Institute who shall be entitled to serve on the Council for a maximum period of three years from the expiration of their terms of office as President;
 - (f) The Registrar/Chief Executive of the Institute; and
 - (g) A maximum of six (6) other persons comprising individuals and corporate organizations of impeccable characters.

First Schedule

- (3) The provisions of the First Schedule to this Bill shall have effect with respect to the qualifications and tenure of office of members of the Governing Council and the other matters mentioned therein.

- (4) Regulations made by the Governing Council may provide for an increase or reduction in the membership of the Council and may make such amendments of subsection (2) of this section and the First Schedule to this Bill as it considers expedient for the purposes of or in consequence of the increase or reduction (*Hon. Abubakar Abdulaziz Yari*) — *Agreed to.*

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

PART II — FINANCIAL PROVISIONS

Committee Recommendation:

Clause 2: Fund of the Institute.

- (1) There shall be established for the institute a fund which shall be managed and controlled by the Governing Council.
- (2) There shall be paid and credited into the fund established pursuant to subsection (1) of this section —
 - (a) All fees and other money payable to the Institute in pursuance of this Bill;
 - (b) Such moneys as may be provided by the Federal Government to the Institute by way of grant or loan or otherwise; and
 - (c) Such moneys as are held by the National Institute of Credit Administration incorporated under the Companies and Allied Matters Act 1990 (in this Bill referred to as "the Incorporated Institute") on its ceasing to exist as provided for in this Bill.
- (3) There shall be paid out of the fund —
 - (a) All expenditure incurred by the Institute in the discharge of its functions under this Bill;
 - (b) The remuneration and allowances of the Registrar who is the Chief Executive Officer and other employees of the Institute; and
 - (c) Such reasonable travelling and subsistence allowances of Executive and Governing Council members of the Institute in respect of the time spend on the duties of the Institute as the Governing Council may determine.
- (4) The Institute may invest moneys from the fund in any security created or issued by or on behalf of the Federal Government or in any other securities in Nigeria
- (5) The Government Council may, from time to time, borrow money for the purposes of the Institute and any interest payable on moneys so borrowed shall be paid out of the fund.
- (6) The Government Council shall keep proper accounts on behalf of the Institute in respect of each year and proper records relation to those account; and the Governing Council shall cause the accounts to be audited by an auditor and when audited, the accounts shall be submitted to the members of the Institute at a general meeting of the Institute for approval by them.
- (7) An auditor, appointed for the purposes of this section, shall not be a member of the Council
- (8) The Governing Council shall prepare and submit, not later than twelve months after its establishment and once in each year thereafter, a report on the activities of the Institute during the last preceding year and shall include in the report a copy of the audited accounts of the Institute for that year and of the auditor's report thereon (*Hon. Abubakar Abdulaziz Yari*) — *Agreed to.*

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

PART III — TRANSFER TO INSTITUTE OF CERTAIN ASSETS AND LIABILITIES

Committee Recommendation:**Clause 10: Transfer of Assets and Liabilities.**

- (1) On the commencement of this Bill —
- (a) all assets and liabilities held or incurred immediately before that date by or on behalf of the Incorporated Institute shall, by virtue of this Bill and without any further assurance, vest in the Institute established by this Bill and be held by it for the purposes of the Institute;
 - (b) the Incorporated Institute shall cease to exist; and
 - (c) Subject to subsection (2) of this section, any act or thing made or done by the Incorporated Institute shall be deemed to have been made or done by the Institute.

Second Schedule

- (2) The provisions of the Second Schedule to this Bill shall have effect with respect to matters arising from the transfer by this section to the Institute of the property of the Incorporated Institute and with respect to the other matters mentioned therein (*Hon. Abubakar Abdulaziz Yari*) — *Agreed to.*

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

PART IV — APPOINTMENT OF THE REGISTRAR AND THE REGISTER

Committee Recommendation:**Clause 11: Registrar and other staff of the Institute.**

- (1) It shall be the duty of the Governing Council, to appoint a person, who shall be members of the Institute with not less than ten years working experience with the Institute, to be the Registrar and Deputy Registrar of the Institute for the purposes of this Bill,
- (2) The Registrar shall in addition to his other functions under this Bill, be the Secretary to the Institute and shall on the instructions of the President of the Council or of any committee thereof, convene general meetings of the Institute or meetings of any committee thereof and keep minutes of the proceedings at all such meetings as the case may be.
- (3) The Governing Council may, whenever the Registrar is absent or is unable for any other reason to discharge the functions of his office, appoint the Deputy Registrar who act for the purpose of discharging same functions under this Bill.
- (4) The Registrar and Deputy Registrar shall be appointed for a four -year term each, subject to renewal of another four year term only , while other staff shall be appointed on permanent, contractual or part-time basis as the case may be (*Hon. Abubakar Abdulaziz Yari*) — *Agreed to.*

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

Committee Recommendation:**Clause 12: Register of Members.**

- (1) It shall be the duty of the Registrar to prepare and maintain in accordance with the rules made by the Institute a register of names, addresses and approved qualifications and of such other particulars, as may be specified in the rules, of all persons who are entitled in accordance with the provisions of this Bill to be registered as members of the profession in the category of fellows, members, associates, graduates, students, honorary members, and retired members and, who, in the manner prescribed by such rules, apply to be so registered.
- (2) The Register shall consist of seven parts of which —
- (a) the first part shall be in respect of fellows;

- (b) the second part shall be in respect of members;
 - (c) the third part shall be in respect of associates;
 - (d) the fourth part shall be in respect of graduate;
 - (f) the sixth part shall be in respect of corporate members; and
 - (g) the seventh part shall be in respect of students.
- (3) Subject to the following provisions of this section the Governing Council may make rules with respect to the form and keeping of the register and the making of entries therein and in particular —
 - (a) Regulate the making of applications for registration, and provide for the evidence to be produced in support of such applications;
 - (b) Provide for the notification to the Registrar by the person to whom any registered particulars relate, of any change in those particulars.
 - (c) Specify the fees, including any annual subscription, to be paid to the Institute in respect of the entry of names in the register, and authorize the Registrar to refuse to enter a name on the register until any fees specified for the entry has been paid.
 - (d) Specify anything failing to be specified under the foregoing provisions of this section.
- (4) Any rules made for the purposes of paragraph (c) of subsection (3) of this section, shall not come into force until they are confirmed at a special meeting of the Institute.
- (5) It shall be the duty of the Registrar to —
 - (a) correct, in accordance with the directions of the Governing Council, any entry in the register which the Council directs him to correct as being in the opinion of the Council an entry which was incorrectly made;
 - (b) make, from time to time, any necessary alteration to the registered particulars of registered persons;
 - (c) record the names of members of the Institute who are in default for more than six months in the payment of annual subscriptions, and to take such action in relation thereto (including removal of the names of defaulters from the register) as the Council may direct or require.
- (6) If the Registrar —
 - (a) sends by post to any registered person a registered letter addressed to him at his address on the register enquiring whether the registered particulars relating to him are correct and receives no reply to the letter within the period of six months from the date of posting it; and
 - (b) upon the expiration of that period sends in the like manner to the person in question a second similar letter and receives no reply to that letter within three months from the date of posting it, the Registrar may remove the particulars relating to the person in question from the register, so, however, that the Governing Council may for any reason which seems to it sufficient direct the Registrar to restore to the appropriate part of the register any particulars removed there from under this subsection (*Hon. Abubakar Abdulaziz Yari*) — *Agreed to.*

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

Committee Recommendation:**Clause 13 Publication of register and list of corrections.**

- (1) It shall be the duty of the Registrar —
- (a) to cause the register to be printed, published and put out on sale to members of the public not later than two years from the coming into effect of this Bill;
 - (b) in each year, after that in which a register is first published under paragraph (a) of this subsection, to cause to be printed, published and put on sale as aforesaid, either a corrected edition of the register or a list of corrections made to the register since it was last printed;
 - (c) to cause a print of each edition of the register and of each list of corrections to be deposited at the principal office of the Institute; and
 - (d) to keep the register and lists so deposited available at all reasonable times for inspection by members of the public.
- (2) A document purporting to be a print of an edition of the register published under this section by authority of the Registrar or documents purporting to be prints of an edition of the register so published and of the list of corrections to that edition so published shall (without prejudice to any other mode of proof) be admissible in any proceedings as evidence that any person specified in the document, or documents read together, as being registered, was so registered at the date of the edition or of the list of corrections, as the case may be, and that any person not so specified was not so registered.
- (3) Where in accordance with subsection (2) of this section, a person is in any proceedings, shown to have been or not to have been registered at a particular date, he shall, unless the contrary is proved, be taken for the purposes of those proceedings as having at all material times thereafter continued to be or not to be so registered (*Hon. Abubakar Abdulaziz Yari*) — *Agreed to*.

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

Committee Recommendation:**Clause 14 Registration of members.**

- (1) Subject to section 15 of this Bill and to rules made under section 12 of this Bill a person is entitled to be registered as a "member" of the profession if —
- (a) he passes the qualifying examination for registration recognized or conducted by or for the Institute under this Bill and complete the practical Training prescribed; or
 - (b) he holds a qualification granted and for the time being accepted by the Institute and satisfies the Institute that he has sufficient practical experience as a member of the profession.
- (2) An applicant for registration under this Bill shall, in addition to evidence of qualification, satisfy the Institute that —
- (a) he is of good character; and
 - (b) he has not been convicted in Nigeria or elsewhere of an offence involving fraud or dishonesty.
- (3) The Governing Council may, in its sole discretion provisionally accept a qualification produced in respect of an application for registration under this section, or direct that the application be renewed within such period as may be specified in the direction.

- (4) Any entry directed to be made in the register under subsection (3) of this section, shall show that the registration is provisional and no entry so made shall be converted to full registration without the consent of the Institute signified in writing in that behalf
- (5) The Governing Council shall, from time to time, publish in the Federal Gazette particulars of qualifications for the time being acceptable for registration by the Institute (*Hon. Abubakar Abdulaziz Yari*) — *Agreed to.*

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

Committee Recommendation:

Clause 15: Approval of qualification, etc.

- (1) The Governing Council may approve any institution for the purposes of this Bill and may for those purposes approve —
 - (a) any course of training at any approved institution which is intended for persons seeking to become or are already credit managers or executives and which the Institute considers is designed to confer on persons completing it sufficient knowledge and skill for admission into the Institute;
 - (b) any qualification which, as a result of an examination taken in conjunction with a course of training approved by the Institute under this section, is granted to candidates reaching a standard at the examination, indicating in the opinion of the Institute that the candidates have sufficient knowledge and skill for the practice of the profession.
- (2) The Governing Council may, if it thinks fit, withdraw any approval given under this section in respect of any course, qualification or institution but before withdrawing such an approval, the Institute shall —
 - (a) give notice that proposes to do so to persons in Nigeria, appearing to the Institute to be persons by whom the course is conducted or the qualification is granted or the institution is controlled, as the case may be;
 - (b) afford each such person an opportunity of making representations to the Institute with regard to the proposal; and
 - (c) take into consideration any representation made as regards the proposal in pursuance of paragraph (b) of this subsection.
- (3) As regards any period during which the approval of the Institute under this section for a course, qualification or institution is withdrawn, the course, qualification or institution shall not be treated as approved under this section; but the withdrawal of such an approval shall not prejudice the registration or eligibility for registration of any person who, by virtue of the approval, was registered or eligible for registration immediately before the approval was withdrawn.
- (4) The giving or withdrawal of an approval under this section shall have effect from such date, either before or after the execution of the instrument signifying the giving or withdrawal of the approval, as the Institute may specify in the instrument and the Institute shall as soon as may be, publish a copy of every such instrument in the Federal Gazette (*Hon. Abubakar Abdulaziz Yari*) — *Agreed to.*

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

Committee Recommendation:

Clause 16: Supervision of institutions.

- (1) It shall be the duty of the Registrar to supervise and keep Governing Council informed of the nature of —
 - (a) the instructions given at approved institutions to persons attending approved courses of training; and

- (b) the examination as a result of which approved qualifications are granted: and for the purposes of performing that duty the Registrar may appoint, either from among its own members or otherwise, persons to visit approved institutions or observe such examinations.
- (2) It shall be the duty of the person appointed under subsection (1) of this section to report to the Council on —
 - (a) The sufficiency or otherwise of the instructions given to persons attending approved courses of training at institutions visited by him;
 - (b) The adequacy or otherwise of the examinations conducted at any institution inspected by him; and
 - (c) any other matters relating to the institutions or examinations on which the Government Council may, either generally or in a particular case, request him to report, but no person shall interfere with the giving of any instruction or the holding of any examination.
- (3) On receiving a report made in pursuance of this section, the Council may, if it thinks fit and shall, if so required by the Institution, send a copy of the report to the person appearing to the Council to be in charge of the institution or responsible for the examinations to which the report relates, requesting that person to make observations on the report to the Council within such period as may be specified in the request, not being less than one month beginning with the date of the request (*Hon. Abubakar Abdulaziz Yari*) — *Agreed to.*

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

Committee Recommendation:

Clause 17: Joint Signatory.

The Registrar of the Institute shall be a joint signatory to a certificate awarded by the Institute (*Hon. Abubakar Abdulaziz Yari*) — *Agreed to.*

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

Committee Recommendation:

Clause 18: Power to grant Diplomas, etc.

The Institute shall have power to grant advanced and higher professional diploma certificates and awards in credit management thereof either solely or jointly with other institutions (*Hon. Abubakar Abdulaziz Yari*) — *Agreed to.*

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

PART VI - PROFESSIONAL DISCIPLINE

Committee Recommendation:

Clause 19: Disciplinary tribunal and investigating panel.

- (1) There shall be a tribunal known as the Nigeria Institute of Credit Administration Disciplinary Committee (in this Bill referred to as "the Committee"), which shall be charged with the duty of considering and determining any case referred to it by the Investigating panel established under subsection (3) of this section and any other case of which the tribunal has cognizance under the following provisions of this Bill.
- (2) The tribunal shall consist of the Chairman and six other members of the council appointed by the council.
- (3) There shall be a body known as the National Institute of Credit Administration Investigation Panel (in this referred to as "the Panel") which shall be charged with the duty of —
 - (a) Conducting a preliminary investigation into any case where it is alleged that a member of the profession has misbehaved in his capacity as a credit manager or executive or should for any other reason be the subject of proceedings before the committee; and

- (b) Deciding whether the case should be referred to the committee.
- (4) The panel shall be appointed by the Governing Council and shall consist of four members of the Council and one member who is not a member of the Council.

Third Schedule.

- (5) The provisions of the Third Schedule to this Bill shall, so far as they are applicable to the tribunal and panel respectively, have effect with respect to those
- (6) The Governing Council may make rules not inconsistent with this Bill as to acts which constitute professional misconduct (*Hon. Abubakar Abdulaziz Yari*) — *Agreed to.*

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

Committee Recommendation:

Clause 20: Penalties for Unprofessional Conduct, etc

- (1) Where —
 - (a) a person registered under this Bill is adjudged by the committee to be guilty of infamous conduct in any professional respect; or
 - (b) a person registered under this Bill is convicted, in Nigeria or elsewhere, by any Court or tribunal having power to award punishment for an offence (whether or not such offence is punishable with imprisonment) which in the opinion of the committee is incompatible with the status of a member of the profession; or
 - (c) the committee is satisfied that the name of any person has been fraudulently registered, the tribunal may, if it thinks fit, give a direction reprimanding that person or ordering the Registrar to strike his name off the relevant part of the register.
- (2) The committee may, if it thinks fit, defer or further defer its decision as to the giving of a direction under subsection (1) of this section until a subsequent meeting of the committee.
- (3) No decision of the committee shall be deferred under subsection (2) of This section for periods exceeding one yet in the aggregate.
- (4) As far as possible no person shall be a member of the committee for the purposes of reaching a decision which has been deferred or further deferred, unless he was present as a member of the committee when the decision was deferred.
- (5) For the purposes of subsection (1) (b) of this section, a person not be treated as convicted as therein mentioned unless the conviction starts at the time when no appeal of further appeal is pending or may (without extension of time) be brought in connection with the conviction.
- (6) When the tribunal gives direction under subsection (1) of this section, the committee shall cause notice of the direction to be served on the person to whom it relates.
- (7) The person no whom such a direction relates may, at any time within twenty-eight days from the date of service on him of the notice of direction, appeal against the direction to the Federal High Court and the committee may appears as respondent to the appeal and for the purpose of enabling directions to be given as to the costs of the appeal and of proceeding before the Federal High Court, the committee shall be deemed to be a party thereto whether or not it appears on the hearing of the appeal.
- (8) A direction of the committee given under subsection (1) of the section shall take effect where —
 - (a) no appeal under this section is brought against the direction within the time limited for such an appeal, on the expiration of that time; or

- (b) such an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal;
 - (c) such an appeal is brought and is not withdrawn or struck out as aforesaid, if and when the appeal is dismissed, and shall not take effect except in accordance with the foregoing provisions of this subsection.
- (9) A person whose name is removed from the register in pursuance of a direction of the committee under this section, shall not be entitled to be registered again except in pursuance of a direction in that behalf given by the committee on the application of that person (*Hon. Abubakar Abdulaziz Yari*) — *Agreed to*.

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

PART VII — MISCELLANEOUS AND GENERAL

Committee Recommendation:

Clause 21: Application of Act to certain persons.

- (1) Any person who not being a member of the Incorporated Institute who, but for this Bill, would have been qualified to apply for and obtain membership of the Incorporated Institute may, within the period of three months from the commencement of this Bill, apply for the membership of the Institute in such a manner as may be prescribed by the Institute.
- (2) Where an application under subsection (1) of this section is approved by the Government Council, the application shall be registered, as the case may be according to his qualification (*Hon. Abubakar Abdulaziz Yari*) — *Agreed to*.

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

Committee Recommendation:

Clause 22: When persons are deemed to practise as Chartered members of the profession.

- (1) Subject to subsection (2) of this section, a person shall be deemed to practice as a chartered member of the profession if, in consideration of remuneration received or to be received, and whether by himself or in partnership with any person he —
 - (a) Engages himself in the practice of the profession or holds himself out to the public as a member of the profession; or
 - (b) Renders any other service or assistance in or about matters of principle or detail relating to the profession;
 - (c) Renders any other service which may, by regulations made by the Institute designated as service constituting practice as a chartered member of the profession.
- (2) Nothing in this section shall be construed so as to apply to persons who, while in the employment of any government, are required under the terms or in the course of such employment, to perform the duties or any of the duties of the profession (*Hon. Abubakar Abdulaziz Yari*) — *Agreed to*.

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

Committee Recommendation:

Clause 23: Rules as to Articles, etc.

- (1) The Institute's Governing Council may make rules for —
 - (a) the training of suitable persons with registered members of the Profession in credit management and administrative methods; and
 - (b) the supervision and regulation of the engagement, training and transfer of such persons.
- (2) The Institute's Governing Council may also make rules —

- (a) prescribing the amount and date for payment of the annual subscription and for such purpose, different amounts may be prescribed by the rules according to whether the member of the institute, is a fellow, member,, associate honorary member, honorary fellow or retired member;
- (b) provide and maintain a library comprising of books and publications for the promotion and advancement of credit management and administration, and such other books and publication as the Government Council may think necessary for the purpose;
- (c) encourage research into credit management and administration (*Hon. Abubakar Abdulaziz Yari*) — *Agreed to.*

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

Committee Recommendation:

Clause 24: Regulations.

- (1) Any regulations, made under this Bill, shall be published in the Federal Gazette as soon as may be after they are made.
- (2) Rules made for the purposes of this Bill, shall be subject to confirmation by the Institute at its next general meeting or at any special meeting of the Institute convened for the purpose, and if the annulled shall cease to have effect on the day of annulment, but without prejudice to anything done in pursuance or intended pursuance of any such rules (*Hon. Abubakar Abdulaziz Yari*) — *Agreed to.*

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

Committee Recommendation:

Clause 25: Offences.

- (1) Any person who, for the purpose of procuring the registration of any name, qualification or other matter —
 - (a) makes a statement which he believes to be false in material particular; or
 - (b) recklessly makes a statement which is false in a material particular unless he commits an offence.
- (2) If, on or after the coming into force of this Bill, any person who is not a member of the Institute practices or holds himself out to practice as a member of the profession for or in expectation of reward or takes or uses any name, title, addition or description implying that he is in practice as a member of the profession, he commits an offence.
- (3) In the case of a person failing within section 17 of this Bill —
 - (a) the provision of subsection (2) of this section shall not apply in respect of anything done by him during the period of three months mentioned in that section; and
 - (b) if within that period he is notified that his application has not been approved, the provision of subsection (2) of this section shall not apply in respect of anything done by him between the end of that period and the date on which he is registered or is notified as aforesaid.
- (4) If the Registrar or any other person employed by or on behalf of the Institute willfully makes any falsification in any matter relating to register, he commits an offence.
- (5) A person guilty of an offence under this section is liable —
 - (a) on summary conviction, to a fine not exceeding ₦50,000 or to imprisonment for a term not exceeding six months , or to both such fine and imprisonment.

- (6) Where an offence under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate or any person purporting to act in any such capacity, he as well as the body corporate, shall be deemed to have committed that offence and shall be liable to be proceeded against and punished accordingly (*Hon. Abubakar Abdulaziz Yari*) — *Agreed to.*

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

Committee Recommendation:

Clause 26: Interpretation.

In this Bill, unless the context otherwise requires —

"Council" means the Governing Council established as the governing body of the Institute under section 4 of this Bill (*Hon. Abubakar Abdulaziz Yari*).

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

"Fees" includes annual subscriptions (*Hon. Abubakar Abdulaziz Yari*).

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

"Incorporated Institute" means the National Institute of Credit Administration incorporated under the Companies and Allied Matters Act, 1990 (*Hon. Abubakar Abdulaziz Yari*).

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

"Institute" means the National Institute of Credit Administration established under section 1 of this Bill (*Hon. Abubakar Abdulaziz Yari*).

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

"Member of the Institute" means a registered fellow, member, associate, graduate, honorary fellow, corporate member or student member and "membership of the Institute" shall be construed accordingly (*Hon. Abubakar Abdulaziz Yari*).

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

"panel" has the meaning assigned to it by section 19 of this Bill (*Hon. Abubakar Abdulaziz Yari*).

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

"President" and "Vice-President" mean respectively the office holders under those names in the Institute (*Hon. Abubakar Abdulaziz Yari*).

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

"Profession" means the profession of chartered credit management and administration (*Hon. Abubakar Abdulaziz Yari*).

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

"Register" means the register maintained in pursuance of section 6 of this Bill; (*Hon. Abubakar Abdulaziz Yari*).

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

"Tribunal" has the meaning assigned to it by section 15 of this Bill (*Hon. Abubakar Abdulaziz Yari*).

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

"Committee" has the meaning assigned to it by section 19 of this Bill (*Hon. Abubakar Abdulaziz Yari*).

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

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

Committee Recommendation:

Clause 27: Short Title.

This Bill may be cited as the Nigeria Institute of Credit Administration (Establishment, etc.) Bill, 2009 (*Hon. Abubakar Abdulaziz Yari*) — Agreed to.

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

SCHEDULES

FIRST SCHEDULE

Section 9 (3)

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

Qualifications and Tenure of Office of Members

1. (1) Subject to the provisions of this paragraph, a member of the Governing Council shall hold office for a period of two years beginning with the date of his appointment or election.
- (2) In the case of a person who is a member by virtue of having been President of the Institute, he shall hold office for a period of five years from the date of his having ceased to be President of the Institute.
- (3) Any member of the Institute who ceases to be a member thereof shall, if he is also a member of the Governing Council, cease to hold office of the Governing Council.
- (4) Any elected member may, by notice in writing under his hand addressed to the President of the Institute, resign his office
- (5) A person who retires and or otherwise ceases to be an elected member of the Governing Council shall not be eligible again to become a member of the Governing Council
- (6) Members of the Governing Council shall at their next meeting before the annual general meeting of the Institute arrange for the twenty-one members of the Governing Council appointed or elected and longest in office to retire at that annual meeting.
- (7) Elections to the Governing Council shall be held in such manner as may be prescribed by rules made by the Governing Council, and until so prescribed, they shall be decided by secret ballot
- (8) If for any reason there is a vacation of office by a member and such member was elected, the Governing Council may, if the time between the unexpired portion of the term of office and the next general meeting of the Institute appears to warrant the filling of the vacancy, co-opt some fit and proper person for such time as aforesaid.

Powers of Governing Council to make rules and regulations

2. (1) Subject to the provisions of this Bill, the Governing Council may in the name of the Institute make standing orders regulating the proceedings of the Institute, the Governing Council any of their committees.
- (2) Standing orders shall provide for decisions to be taken by a majority of the members, and in the event of equality of votes, the President of the Institute or the Chairman, as the case may be, shall have a second or casting vote.
- (3) Standing orders made for a committee shall provide that the committee reports back to the Governing Council shall be determined by the Governing Council.
- (4) The quorum of the Governing Council shall be seven and the quorum of a committee of the Governing Council shall be determined by the Governing Council.

Meetings of the Institute

5. (1) Subject to the provisions of any standing orders of the Governing Council, the Governing Council shall meet whenever it is summoned by the Chairman; and if the Chairman is required to do so by notice in writing given to him by not less than seven other members, he shall summon a meeting of the Governing Council to be held within seven days from the date on which the notice is given.
- (2) At any meeting of the Governing Council, the Chairman or in his absence, the first Vice-Chairman shall preside, but if both are absent, the members present at the meeting shall appoint one of their member to preside at that meeting.
- (3) Where the Governing Council desires to obtain the advice of any person on a particular matter, the Governing Council may co-opt him as a member for such period as the Governing Council thinks fits, but a person who is a member by virtue of this subparagraph shall not be entitled to vote at any meeting of the Governing Council and shall not count towards a quorum.

Committees

6. (1) The Governing Council may appoint one or more committees to carry out on behalf of the Institute or of the Governing Council such functions as the Governing Council may determine.
- (2) A committee appointed under this paragraph shall consist of the number of persons determined by the Governing Council, of whom not more than one third shall be persons who are not members of the Governing Council and a person, other than a Member of the Governing Council, 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 Governing Council shall be of no effect until it is confirmed by the Governing Council.

Miscellaneous

7. (1) The fixing of the seal of the institute shall be authenticated by the signature of the President or of some other member of the Governing Council authorized generally or specially by the Institute to act for that purpose. The seal of the Institute is the common seal of the Institute and is meant for its official use.
- (2) Any contract or instrument which, if made 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 Institute or of the Governing council as the case may require, by any person generally or specially authorized to act for that purpose by the governing Council.
- (3) Any document purporting to be a document duly executed under the seal of the Institute shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

8. The validity of any proceedings of the Institute or the Governing Council or of a committee of the Governing Council shall not be adversely affected by any vacancy in membership, or by any defect in the appointment of a member of the Institute or of the Governing Council or of a person to serve on the committee or by reason that a person not entitled to do so took part in the proceedings.
9. Any member who engages in related or connected persons transaction or contract or arrangement should be made to face disciplinary committee and such engagement declared null and void (*Hon. Abubakar Abdulaziz Yari*) — Agreed to.

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

SECOND SCHEDULE

TRANSITIONAL PROVISIONS AS TO ASSETS AND LIABILITIES

Transfer of Assets and Liabilities

1. (1) Every agreement to which the Incorporated Institute of Credit Administration was a party immediately before the commencement of this Bill, whether in writing or not and whether or not of such a nature that the rights, liabilities and obligations thereunder could be assigned by the Incorporated Institute, shall, unless its terms or subject matter make it impossible that it should have effect as modified in the manner provided by these subparagraphs, have effect from the commencement of this Bill so far as it relates to assets and liabilities transferred by this Bill to the Institute established by this Bill, as if—
 - (a) the Institute established by this Bill had been a party to the agreement;
 - (b) for any reference (however worded and whether expressed or implied) to the Incorporated Institute, there were substituted in respect of anything falling to be done on or after the commencement of this Bill a reference to the Institute established by this Bill;
 - (c) for any reference however worded to a member or members of the Governing Council of the Incorporated Institute or an officer of the Incorporated Institute, there are substituted, in respect of anything falling to be done on or after the commencement of this Bill, a reference to a member or members of the Governing Council under this Bill.
- (2) Other documents which refer, whether specially or generally, to the Incorporated Institute shall be considered in accordance with sub-paragraph (1) of this paragraph so far as applicable.
- (3) Without prejudice to the generality of the foregoing provisions of this Schedule, where, by the operation of section 6 of this Bill, any right, liability or obligation vests in the Institute established by this Bill, the Institute established by this Bill and all other persons shall, as from the commencement of this Bill have the same rights, powers and remedies (and, in particular, the same rights as to the taking or making or resisting of applications to any authority) for ascertaining, perfecting or enforcing that right, liability or obligation as they would have if it had at all times been a right, liability or obligation of the Institute established by this Bill.
- (4) Any legal proceedings or application to any authority pending at the commencement of this Bill, by or against the Incorporated Institute shall hold corresponding appointment in the Institute established by this Bill on the same terms and condition as to tenure and otherwise but shall not be entitled to receive remuneration both from the Incorporated Institute and from the Institute in respect of the same period of service (*Hon. Abubakar Abdulaziz Yari*) — Agreed to.

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

THIRD SCHEDULE

Section 19 (5)

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY TRIBUNAL
AND INVESTIGATING PANEL OF THE TRIBUNAL

1. The quorum of the committee shall be four whom at least two shall be members of the profession...
2. The Attorney-General of the Federation may make rules as to the selection of members of the tribunal for the purposes of any proceeding and as to the procedure to be followed and the rules of evidence to be observed in proceedings before the committee.
 - (1) The rules shall in particular provide —
 - (a) for securing that notice of the proceedings shall be given at such time and in such manner as may be specified by the rules, to the person who is the subject of the proceedings;
 - (b) for determining who in addition to the person aforesaid, shall be party to the proceedings;
 - (c) for securing that any party to the proceedings shall, if so required be entitled to be heard by the committee; legal practitioner;
 - (d) subject to the provisions of section 16 (7) of this Bill, as to the costs of proceedings before the committee;
 - (e) for requiring in a case where it is alleged that the person who is the subject of the proceedings is guilty of infamous conduct in any professional respect, that where the committee adjudges that the allegation has not been proved it shall record a finding that the person is not guilty of such conduct in respect of the matters to which the allegation relates;
 - (f) for publishing in the Gazette of notice of any direction of the committee which has taken effect providing that a person's name shall be struck off a register.
 - (2) For the purposes of any proceedings before the committee, any member of the tribunal may administer oaths and any party to the proceedings may issue out of the registry of the Federal High Court writs of subpoena ad testificandum and duces tecum; but no person appearing before the committee shall be compelled —
 - (a) to make any statement before the committee tending to incriminate himself; or
 - (b) to produce any document under such a writ which he could not be compelled to produce at the trial of an action.
3.
 - (1) For the purpose of advising the committee on questions of law arising in the proceedings before it, there shall in all such proceedings be an assessor to the committee who shall be appointed by the governing Council on the nomination of the Attorney-General of the Federation and shall be a legal practitioner of not less than ten years standing.
 - (2) The Attorney-General of the Federation shall make rules as to the functions of assessors appointed under this paragraph, and in particular, such rules shall contain provisions for securing that —
 - (a) where an assessor advises the committee on any question of law as to evidence, procedure or any other matters specified by the rules, he shall do so in the presence of every party or person representing a party to the proceedings who appears thereat or, if the advice is tendered while the committee is deliberating in private, that every such party or person as aforesaid shall be informed what advice the assessor has tendered:
 - (b) every such party or person as aforesaid shall be informed if in any case the committee does not accept the advice of the assessor on such a question as aforesaid.

- (3) An assessor may be appointed under this paragraph either generally or for any particular proceedings or class of proceedings and shall hold and vacate office in accordance with the terms of the instrument by which he is appointed.

The Panel

4. The quorum of the panel shall be three.
5. (1) The panel may, at any of its meetings attended by not less than five members of the panel, make standing orders with respect to the panel.
- (2) Subject to the provisions of any such standing orders, the panel may regulate its procedure.
6. (1) A persons ceasing to be a member of the committee or the panel shall be eligible for reappointment as a member of that body.
- (2) A person may, if otherwise eligible, be a member of both the committee and panel; but no person who acted as a member of the panel with respect to any case shall act as a member of the tribunal with respect to that case.
7. The committee or the panel may act notwithstanding any vacancy in its membership; and the proceedings of either body shall not be invalidated by any irregularity in the appointment of a member of that body, or (subject to paragraph 6 (2) of this Schedule) by reason of the fact that any person who was not entitled to do so took part in the proceedings of that body.
8. Any document authorized or required by virtue of this Bill to be served on the committee or tile panel shall be served on the Registrar appointed in pursuance of section 7 of this Bill.
9. Any expenses of the committee or the panel shall be defrayed by the Institute (*Hon. Abubakar Abdulaziz Yari*) — *Agreed to.*

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

Long Title:

A Bill for an Act to Establish the National Institute of Credit Administration and for Matters Connected Therewith, 2009 (*Hon. Abubakar Abdulaziz Yari*).

Question that a Bill for an Act to Establish the National Institute of Credit Administration 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 Joint Committee on Aids, Loans and Debt Management and Commerce on a Bill for an Act to Establish the National Institute of Credit Administration and for Matters Connected Therewith 2009 and approved Clauses 1 - 27, approved the First - Third 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.

(iii) Committee of Whole:

Motion made and Question proposed, "That a Bill for an Act to Establish the Federal Capital Territory Water Board and for Matters Connected Therewith, 2009" (Hon. Tunde Akogun).

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 THE FEDERAL CAPITAL TERRITORY WATER BOARD
AND FOR MATTERS CONNECTED THEREWITH, 2009****PART I — ESTABLISHMENT, ETC. OF THE FEDERAL CAPITAL TERRITORY WATER BOARD****Clause 1: Establishment of the Federal Capital Territory Water Board.**

- (1) There is hereby established for the Federal Capital Territory, Abuja (in this Act referred to as the Territory") a body to be known as the Federal Capital Territory Water Board (in this Act referred to as "the Board").
- (2) The Board—
 - (a) shall be a body corporate with perpetual succession and a common seal; and
 - (b) may sue and be used in its corporate name (*Hon. Tunde Akogun*) — *Agreed to.*

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

- Clause 2:**
- (1) The Board shall consist of—
 - (a) a Chairman who shall be on part-time basis;
 - (b) a representatives of the Legal Services Department of the Ministry of Federal Capital Territory;
 - (c) three other members to represent public interest; and
 - (d) the General Manager of the Board
 - (2) The members of the Board shall be appointed by the Minister.
 - (3) The supplementary provisions set out in the Schedule to this Act shall have effect with respect to the proceedings of the Board and other matters mentioned therein (*Hon. Tunde Akogun*) — *Agreed to.*

*Question that Clause 2 stand part of the Bill, put and agreed to.***Clause 3: Tenure of office. etc.**

The Chairman and other members of the Board, other than ex-officio members shall each hold office—

- (a) for a term of 4 years in the first instance and may be re-appointed for one further term of 4 years and no more; and
- (b) on such terms and conditions as may be specified in their letters of appointment (*Hon. Tunde Akogun*) — *Agreed to.*

*Question that Clause 3 stand part of the Bill, put and agreed to.***Clause 4: Cessation of membership.**

Notwithstanding the provisions of Section 3 of this Act, a person shall ceased to hold office as a member of the Board if—

- (a) he becomes bankrupt; or
- (b) he is convicted of a felony or any offence involving dishonesty or fraud;
- (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 possessed of professional qualifications, he is disqualified or suspended from practising his profession in any part of the world 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 Minister.
- (2) If a member of the Board ceases to hold office for any reason whatsoever, before the expiration of the term for which he is appointed, another person representing the same interest as that member shall be appointed to the Board for the unexpired term.
- (3) A member of the Board may be removed by the Minister, on the recommendation of the Board, if he is satisfied that it is not in the interest of the Board or in the interest of the public that the member continues in office (*Hon. Tunde Akogun*) — *Agreed to*.

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

Clause 5: Emoluments, etc. of member.

The Chairman and members of the Board shall be paid such emoluments, allowances and benefits as the Minister may, from time to time, direct (*Hon. Tunde Akogun*) — *Agreed to*.

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

PART II — OBJECTIVES, FUNCTIONS AND POWERS OF THE BOARD

Clause 6: Objectives of the Board.

The objectives of the Board shall be to—

- (a) ensure suitable and adequate supply of clean water safe for human consumption and for other usage in the Territory;
- (b) secure efficient utilisation water resources for the present and future generation of Nigerians resident in the Territory; and
- (c) produce adequate potable water for distribution to all residents of the Federal Capital Territory (*Hon. Tunde Akogun*) — *Agreed to*.

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

Clause 7: Functions of the Board.

(1) The Board shall—

- (a) develop, control, manage, install and maintain waterworks, water facilities and services in the Territory;
- (b) treat and supply or distribute potable water to all parts of the Territory at economic rate;
- (c) develop, manage and control water resources within the Territory;
- (d) specify the method and manner in which water may be taken from public fountains or a public water supply;
- (e) prescribe exemptions from any water rate or charge of any tenement of class of tenements or any person or class of persons;
- (f) carry out the construction of waterworks, laying of pipes, public fountains, fitting, installation and adjustment of water metres, and activities and services relating to water supply in the Territory;
- (g) harness water resources, including surface and underground water, for economic development of the Territory;
- (h) conduct research into various aspects of water resources management for the purpose of improving the services of the Board;
- (i) maintain and service the water works and the water treatment facilities in the Territory;

- (j) advise the Minister in the formulation of policy relating to water resources management including the supply and consumption of portable water in the Territory;
- (k) provide measures for the prevention of wrongful opening or closing of any cock valve, sluice or manhole appertaining to any waterworks;
- (i) promote the rational and sustainable use of water resources and design measures for prevention of wastage of water;
- (m) prevent and nuisance and pollution in or around any of the water stations, waterworks, plants, public fountains, facilities, buildings or premises of the Board;
- (n) ensure the prevention of any trespass upon or inquiry or damage to any station waterworks, plants, public foundations, facilities, building or premises of the Board;
- (o) collect rates and charges on portable water supplied or disturbed or sold by the Board; and
- (p) to carry out such other activities as are necessary or expedient for the efficient performance of its functions under this Act (*Hon. Tunde Akogun*) — *Agreed to.*

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

Clause 8: Power of the Board.

The Board shall have power to—

- (a) fix rates payable by consumers for water supplied to private buildings and apartments, public buildings and institutions, tenements or to any office, barracks, or to any other form of consumer;
- (b) determine the fees to be paid for all services of the Board;
- (c) enter in any agreement or collaborative arrangements relating to the research, sourcing, provision, distribution and supply or sale of water;
- (d) designate appropriate offices at which the rates, charges or rents for water shall be paid by the consumer and determine the manner in which such rates, charges or rent shall be payable;
- (e) own, hold or dispose of any property whether movable or immovable; and
- (f) do anything which in the opinion of the Board is necessary to ensure the efficient staff of the board (*Hon. Tunde Akogun*) — *Agreed to.*

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

Clause 9: General Manager of the Board.

- (1) There shall be appointed for the Board, a General manger shall, subject to the general direction and supervision of the Board—
 - (a) be the Chief Executive and accounting officer of the Board;
 - (b) be responsible for the execution of the policies of the Board; and
 - (c) perform such other duties as the Board or the Chairman may, from time to time, direct;
- (2) The General Manger shall hold office—
 - (a) for a term of 5 years in the first instance and may be reappointed for a further term of 5 years and no more; and
 - (b) on such terms and conditions as may be specified in his letter of appointment

- (3) The Board shall have power to appoint either directly or on secondment from any Public Service of the Federation or otherwise howsoever, such number of staff and other employees as it may, from time to time, deem necessary to assist the Board in the discharge of any of its functions under this Act.
- (4) The terms and conditions of service (including remuneration, allowances, benefits and pensions) of staff and employees of the Board shall be as determined by the Board after consultation with the Federal Civil Service Commission (*Hon. Tunde Akogun*) — *Agreed to*.

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

Clause 11: Pensions Cap. 346 LFN.

- (1) It is hereby declared that service in the Board shall be approved service for the purpose of the Pensions Act, and accordingly, staff and employees of the Board shall be entitled to pensions, gratuities and other retirement benefits as prescribed.
- (2) Without prejudice to 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 benefits in respect of that office
- (3) For the purpose of the application of the provisions of the Pensions Act, any power exercisable by a Minister or other authority of the Federal Government, other than the power to make regulations, under Section 23 thereof, is hereby vested in and shall be exercisable by the Board and not by any other person or authority (*Hon. Tunde Akogun*) — *Agreed to*.

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

Clause 12: Staff Regulations.

- (1) The Board may, subject to the provisions of this Act, make staff regulations relating generally to the conditions of service of the officers and employees of the Board and without prejudice to the generality of the foregoing, such regulations may provide for—
 - (a) the appointments, promotions, termination, dismissal of staff and employees of the Board; and
 - (b) appeals by such staff and employees against dismissal or other disciplinary measures, and until such regulations are made, any instrument relating to the conditions of service in the Public Service of the Federation shall be applicable, with such modifications as may be necessary, to the staff and employees of the Board.
- (2) Staff regulations, made under Subsection (1) of this section shall not have effect until approved by the Minister, and when so approved they need not be published in the Federal Gazette but the Board shall cause them to be brought to the notice of all affected persons in such manner as it may, from time to time, determine (*Hon. Tunde Akogun*) — *Agreed to*.

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

PART II — FINANCIAL PROVISIONS

Clause 13: Funds of the Board.

- (1) The Board shall establish and maintain a fund which shall be applied towards the discharge of its functions under this Act.
- (2) There shall be paid and credited to the fund established pursuant to Subsection (1) of this section—
 - (a) any subvention or budgetary allocation from the Federal Government;
 - (b) all monies raised for the purposes of the Board by way of gifts, grants-in-aid or testamentary disposition to the Board;

- (c) monies accruing from fees, charges and rates for the services rendered by the Board; and
- (d) such other monies that may, from time to time, accrue to the Board
(Hon. Tunde Akogun) — Agreed to.

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

Clause 14: The Board may, from time to time, apply the proceeds of the fund established in pursuance of Section 13 of this Act—

- (a) to the cost of administration of the Board;
- (b) to the payment of the emolument, allowances and benefits of members of the Board and for reimbursing members of the Board or of any committee of the Board for such expenses as may be expressly authorised by the Board
- (c) to the payment of the salaries, fees or other remuneration or allowances, gratuities and pensions, and other benefits payable to the officers and other employees of the Board, so however that no payment of any kind under this paragraph (except such as may be expressly authorised by the Minister) shall be made to any person who is in receipt of emoluments from the Federal or State Government or Area Council;
- (d) for the development and maintenance of any property vested in or owned by the Board; and
- (e) for and in connection with all or any of its functions under this Act (Hon. Tunde Akogun) — Agreed to.

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

Clause 15: **General reserve fund.**

- (1) The Board may, with the approval of the Minister, establish and maintain a general reserve fund in a separate bank account as the Minister may, from time to time, determine.
- (2) There shall be credited into the general reserve fund established under Subsection (1) of this section, such monies as the Minister may, from time to time, direct And such money shall be used for emergency or urgent needs of the Board relating to the rendering of urgent and essential services including portable water supply which require urgent action and for such other payments under this Act as the Board may, from time to time, authorise.
- (3) The Minister may, if he is satisfied that there has arisen an urgent and unforeseen need for expenditure for which no other provision exists or no money is readily available with the Board, authorise the Board to make advances from the general reserve fund to meet the need.
- (4) When any advance is made in accordance with the provisions of Subsection (3) of this section, the Board shall submit a proposal to the Minister as soon as possible for the purpose of replacing the amount so advanced (Hon. Tunde Akogun) — Agreed to.

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

Clause 16: **Annual Estimates and Accounts.**

- (1) The Board shall, not later than 30th September in each year submit to the National Assembly through the Minister an estimate of its expenditure and income (including payments to the Board's fund) for the next succeeding year.

- (2) The Board shall keep proper accounts in respect of each year and proper records in relation to those accounts and shall cause its accounts to be audited within six 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 (*Hon. Tunde Akogun*) — *Agreed to*.

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

Clause 17: Annual Reports.

The Board shall prepare and submit to the Minister, not later than six months after the end of each year, a report in such form as he may direct on the activities of the Board during the immediate proceeding year, and shall include in such report a copy of the audited accounts of the Board for that year and the auditor's report on the accounts (*Hon. Tunde Akogun*) — *Agreed to*.

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

Clause 18: Power to accept gifts.

- (1) The Board may accept any gift of land, money or other property in accordance with the law on such terms and conditions, if any, as may be specified by the person or Organisation making the gift.
- (2) The Board shall not accept any gift if the conditions attached by the person or Organisation offering the gift are inconsistent with the functions of the Board (*Hon. Tunde Akogun*) — *Agreed to*.

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

Clause 19: Power to borrow.

- (1) The Board may, from time to time, borrow by overdraft or otherwise such sums as it may require for the performance of its functions under this Act.
- (2) The Board shall not, without the approval of the Minister, borrow money which exceeds, at any time, the amount set by the Minister.
- (3) Notwithstanding the provisions of Subsection (1) of this section, where the sum to be borrowed is in foreign currency, the Board shall not borrow the sum without the prior approval of the Minister (*Hon. Tunde Akogun*) — *Agreed to*.

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

Clause 20: Investments. Cap. 449 LFN.

The Board 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 Investments Act or in such other securities, as may, from time to time, be approved by the Minister (*Hon. Tunde Akogun*) — *Agreed to*.

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

PART IV — WATER SUPPLY, DISTRIBUTION AND CONSUMPTION

Clause 21: Exemption from tax.

- (1) The Board shall maintain a continuous supply of water to all parts of the Territory.
- (2) Notwithstanding the provisions of Subsection (1) of this section, the Board reserves the right to suspend the supply of water for such period as it may deem necessary—
- (a) for the purpose of carrying out inspection, tests or repairs or general maintenance of the waterworks; or
- (b) for effecting alterations or modifications in its pipelines, equipment and facilities; or

- (c) where any consumer of water or services is in default of payment to the Board (*Hon. Tunde Akogun*) — *Agreed to.*

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

Clause 22: Water supply to the Territory.

- (1) The Board may source or purchase water in bulk and may resell such water either in bulk or by distribution directly to individual consumers.
- (2) No person shall sell or distribute or supply in any manner whatsoever for economic gains any water stored or supplied by the Board except under a license granted by the Board upon such terms and conditions as the Board may prescribe (*Hon. Tunde Akogun*) — *Agreed to.*

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

Clause 23: Purchase and resale of water.

- (1) The rates and scales of charges for water or services of the Board shall be as determined, from time to time, by the Board.
- (2) The rates and charges for water or services may be fixed at different rates and scales for different locations as the Board may think fit in the circumstances (*Hon. Tunde Akogun*) — *Agreed to.*

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

Clause 24: Water rates and charges.

- (1) The owner or occupier of any tenement or consumer shall pay rates or charges shall pay to the Board such rates or charges for water supply or other services as may, from time to time, be determined by the Board.
- (2) Where any person fails to pay water rates or charges within one month after it has become due, the Board may recover the rate or charge with costs by an application brought before a Court of competent jurisdiction (*Hon. Tunde Akogun*) — *Agreed to.*

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

Clause 25: Payment of water rates, etc.

Subject to the this Act and any regulations or rules made pursuant to thereunder, the Board may supply water to any tenement on application make by the owner or occupier therefore and such application shall be accompanied with payment of such fees or rates as the Board may, from time to time, determine (*Hon. Tunde Akogun*) — *Agreed to.*

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

Clause 26: Application for water supply.

The Board shall not be deemed to be responsible for the failure or inefficiency or safety of the consumer's pipes, fittings or for any damage or loss arising out of the use or misuse of the apparatus by the consumer or any other person other than an employee of the Board simply on account of the Board carrying out of any inspection or conducting a test on a consumer's pipes, fittings, appliances and apparatus or in the exercise of the functions of the Board under this Act or any rules made thereunder (*Hon. Tunde Akogun*) — *Agreed to.*

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

PART V — OFFENCES AND PENALTIES

Clause 27: Illegal Construction of water-works.

- (1) No person shall construct any waterworks or water supply facilities in the territory without obtaining a licence from the Board.
- (2) No person shall construct any illegal structure within the waterworks premises.

- (3) Any person who contravenes the provisions of this section commits an offence and shall be liable on conviction to a fine of ₦2,000 or to imprisonment for a term not exceeding 6 months or to both such fine and imprisonment.
- (4) The provisions of Subsections (1) and (2) of this section shall not apply to a person who constructs a well having a depth not exceeding 6 metres within his premises (*Hon. Tunde Akogun*) — *Agreed to.*

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

Clause 28: Offences Relating to Water Diversion, Pollution, etc.

Any person who—

- (a) willfully or negligently damages any water works, public fountain or service; or
- (b) unlawfully draws, off, diverts or takes water from any source or from any stream by which any water in supplies; or
- (c) makes an unauthorised opening or closes any clock, cock, valve, sluice or manhole of any waterworks; or
- (d) pollutes any water or water source; or
- (e) allows or causes any foul liquid or gas or other noxious or toxic or injurious substance or matter to be discharged into any water source or any facility of the Board, commits an offence and shall be liable on conviction to a fine of ₦10,000 or to imprisonment for a term not exceeding 1 year or to both such fine and imprisonment and to a further penalty of ₦500 for each day that the act or omission that constitutes the offence continues (*Hon. Tunde Akogun*) — *Agreed to.*

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

Clause 29: Offences relating to wastage. etc.

Any person who—

- (a) willfully or negligently misuses, causes or allows to be misused or wasted any water, passing through or into, upon or near tenement from any water works; or
- (b) alters, causes or permits to be altered any pipeline, fittings or fountains or any waterworks without the consent of the Board, commits an offence and shall be liable on conviction to a fine of ₦2,000 or to imprisonment for a term not exceeding 6 months or to both such fine and imprisonment (*Hon. Tunde Akogun*) — *Agreed to.*

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

Clause 30: Offences relating to fraudulent measurements.

Any person who alters, causes or permits to be altered, any pipeline, fittings or fountains or any waterworks with the intent to—

- (a) avoid the accurate measurement or register of water by means of any meter;
- (b) obtain a greater supply of water than he is entitled, or to avoid payment thereof; or
- (c) willfully or negligently damage, alter, cause or permit to be damaged or altered any meter, commits an offence and shall be liable on conviction to a fine of ₦2,000 or to imprisonment for a term not exceeding 6 months or to both such fine and imprisonment (*Hon. Tunde Akogun*) — *Agreed to.*

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

Clause 31: Offences relating to nuisance. etc

- (1) Any person who puts, allows to be put or to remain, or to accumulate on any tenement owned or occupied by him or his servants or agent, any foul material or substance in such manner or place that it causes nuisance or may fall or be washed or be carried into or obstructs any water works of the Board, commits an offence and shall be liable on conviction to a fine of ₦2,000 or to imprisonment for a term

not exceeding 6 months or to both such fine and imprisonment (*Hon. Tunde Akogun*) — *Agreed to.*

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

Clause 32: Offences relating to bathing, washing, etc.

Any person who—

- (a) baths or washes any clothes, materials or other thing in any part of any waterworks or its appurtenances; or
- (b) puts, allows or causes to enter into all waterworks any horse, dog, goat, pig or any other domestic animal or any bird or any clothes, materials or other things; or
- (c) makes an unauthorised opening or closes any clock, cock, valve, sluice or manhole belonging to any waterworks, commits an offence and shall be liable on conviction to a fine of ₦2,000 or imprisonment for a term not exceeding 6 months or to both such fine and imprisonment (*Hon. Tunde Akogun*) — *Agreed to.*

Question that Clause 32 stand part of the Bill, put and agreed to.

Clause 33: Incitement, etc.

Any person who—

- (a) incites another person to refuse to pay any water rates or charges due and payable by him, or
- (b) incites or assists any person to misrepresent in any way his ratable capacity or any information material to the assessment of or rating upon any tenement of which he is owner or occupier commits an offence and shall be liable on conviction to a fine of ₦2,000 or imprisonment (*Hon. Tunde Akogun*) — *Agreed to.*

Question that Clause 33 stand part of the Bill, put and agreed to.

Clause 34: Obstruction of the Staff of the Board.

Any person who obstructs or assaults any staff, officer or employee of the Board or any other person authorised by the Board in the course of carrying into effect any of the provisions of this Act commits an offence and shall be liable on conviction to a fine of ₦2,000 or imprisonment for a term not exceeding 6 months or to both such fine or imprisonment (*Hon. Tunde Akogun*) — *Agreed to.*

Question that Clause 34 stand part of the Bill, put and agreed to.

Clause 35: Offences of impersonation.

Any person who, not being lawfully authorised to carry out any function under this Act by the Board, and under any guise or cover holds out himself as having been authorised to enforce any part of this Act commits an offence and shall be liable on conviction to a fine of ₦2,000 or to imprisonment for a term not exceeding 6 months or to both such fine and imprisonment (*Hon. Tunde Akogun*) — *Agreed to.*

Question that Clause 36 stand part of the Bill, put and agreed to.

Clause 36: Conspiracy.

Any person who conspires with, procures, instigates, aids, facilitates another person to do any thing or act prohibited under any of the provisions of this Act, commits an offence and shall be proceeded against under the relevant provisions of this Act relating to such offence and shall be punished accordingly (*Hon. Tunde Akogun*) — *Agreed to.*

Question that Clause 36 stand part of the Bill, put and agreed to.

PART VI — LEGAL PROCEEDINGS

- Clause 37: Limitation of suits against the Agency, etc. Cap. 379 LFN.**
Subject to the provisions of this Act, the provisions of the Public Officers Protection Act shall apply in relation to any suit instituted against any member, officer or employee of the Board
(Hon. Tunde Akogun) — Agreed to.

Question that Clause 37 stand part of the Bill, put and agreed to.

- Clause 38: Indemnity of Officers.**
Every member of the Board, agent, auditor or officer or employee of the Board shall be indemnified out of the assets of the Board against any liability incurred by him in defending any proceeding, whether civil or criminal, if any such proceeding is brought against him in his capacity as such member, agent, auditor or officer or employee as aforesaid
(Hon. Tunde Akogun) — Agreed to.

Question that Clause 38 stand part of the Bill, put and agreed to.

PART VII — MISCELLANEOUS PROVISIONS

- Clause 39: Certain Provisions relating to defaulters, etc.**
- (1) Where any person contravenes any of the provisions of this Act, the Board may, without prejudice to the provisions of Subsection (2) of Section 22 of this Act and the rights of the Board to commence proceedings against any defaulter—
 - (a) serve a notice in writing on the defaulting occupier or consumer; and
 - (b) authorise or cause an officer or employee of the Board to enter and alter, disconnect, stop or remove any water fittings belonging to or used by such defaulting, occupier or consumer
 - (2) The occupier or the consumer, upon remedying the default or contravention referred to in Subsection (1) of this section the Board may cause repairs, replacement and re-connection of the water fittings and the Board shall recover the cost or expenses reasonably incurred to effect the repairs or replacement or re-connection as the case may be (Hon. Tunde Akogun) — Agreed to.

Question that Clause 39 stand part of the Bill, put and agreed to.

- Clause 40: Recovery of loss of money, etc.**
- (1) Where, upon consideration of any audit report, the Board is satisfied that in respect of its functions under this Act—
 - (a) a sum due to the Board has not been duly brought to account by any person; and
 - (b) there is loss of money or destruction of any of the property of the Board which has occurred by reason of—
 - (i) negligence; and
 - (ii) breach of official duty or other misconduct of any person, the Board may surcharge such money or the value of the property lost or destroyed upon the person aforesaid whether he is a member of staff of the Board or an agent of the Board.
 - (2) Before exercising any of the powers specified under Subsection (1) of this section, the Board may, in writing, authorise any person to conduct an inquiry for the purposes of the section (and to take evidence and examine witnesses) by summons, require all such persons as it may deem fit to appear before it at a time and place stated in such notice or summons and to produce all such books, records, accounts and other documents and materials as it may consider necessary for the purpose of the inquiry.
 - (3) If the Board decides to surcharge any person under Subsection (1) of this section, it shall cause a notice to be served upon such person.

- (4) Notwithstanding anything to the contrary contained in Subsection (1) of the section, no liability to surcharge shall be incurred by any officer, employee or agent of the Board if he can prove to the satisfaction of the Board that he acted in pursuance, and in accordance with the terms of a resolution of the Board or of any committee duly appointed by the Board under, this Act or on the written instructions of any officer, employee or agent. Provided that nothing in this subsection shall exempt any person from liability to surcharge in accordance with the provisions of this section where it is proved that he knew or ought reasonably to have known that the terms of the resolution or written instructions as aforesaid were not in accordance with provisions of this Act or rules or direction given hereunder.
- (5) Any amount notified as a surcharge in accordance with Subsections (3) of this section shall be due to the Board and may be sued for and recovered in any court of competent jurisdiction at the instance of the Board (*Hon. Tunde Akogun*) — *Agreed to.*

Question that Clause 40 stand part of the Bill, put and agreed to.

Clause 41: Appeals against Surcharges.

- (1) Any person who is aggrieved by any decision of the Board for a surcharge of any amount exceeding ₦1,000 shall within thirty days of such decision appeal to the Minister for a review of the decision.
- (2) The Minister, shall have power to confirm, vary quash the decision of the Board and give such direction as he may deem fit in each circumstance (*Hon. Tunde Akogun*) — *Agreed to.*

Question that Clause 41 stand part of the Bill, put and agreed to.

Clause 42: Provisions relating to land.

- (1) Wherever it appears to the Board that any land in the Territory is required for the purpose of any waterworks, the Board shall, subject to the Land Use Act, apply to the Minister for approval for its officers or agents to enter upon the land and—
 - (a) survey and take levels of the land;
 - (b) dig or bore hole under the subsoil; and
 - (c) do such other things as are necessary to ascertain whether the land is adapted for such purposes—

Provided that no such officer, agent, servant or workman, of the Board shall enter any building or upon any enclosed court or garden attached to a dwelling house (except with the consent of the occupier) and at least seven days notice of intent to enter shall be given to such occupier.

- (2) Where any entry made under Subsection (1) of this section occasions any damages requiring the payment of compensation, the Board shall pay adequate compensation from time to time (*Hon. Tunde Akogun*) — *Agreed to.*

Question that Clause 42 stand part of the Bill, put and agreed to.

Clause 43: Cap. 202 LFN

- (1) Subject to Subsection (2) of this section, any fire authority may abstract water from any public fountain, service or waterworks of the Board for the purpose of prevention or control of fire.
- (2) Water shall not be abstracted by any fire authority for the purpose of testing any fire fighting appliance except with the consent of the Board and such consent should not be unreasonably withheld.
- (3) No charge shall be made for water supplied by the Board under Subsection (1) or (2) of this section.

- (4) Any main, pipe, valve, hydrant, service or other waterworks required within the area of operation of the Board by any fire authority in the discharge of its functions to prevent and control fire shall be provided by the Board upon payment thereof by the fire authority such fees or rates as the Board may, from time to time, determine-

Provided that such main, pipe, valve, hydrant, service or other waterworks shall vest in the Board and shall be maintained by the Board as the fire authority may, from time to time, require (*Hon. Tunde Akogun*) — *Agreed to.*

Question that Clause 43 stand part of the Bill, put and agreed to.

Clause 44: Powers to make regulations.

The Minister may, on the recommendation of the Board, make regulations generally for the purposes of this Act or for giving effect to the provisions of this Act (*Hon. Tunde Akogun*) — *Agreed to.*

Question that Clause 44 stand part of the Bill, put and agreed to.

Clause 45: Savings and transfer of liabilities, staff, etc.

- (1) The statutory functions, rights, interests, obligations and liabilities of the Ministry of the Federal Capital Territory (in this Act referred to as "the Authority") as they relate to the supply of water in the Territory existing before the commencement of this Act under any contract or instrument, or in law or in equity apart from any contract or instrument shall, by virtue of this Act and without further assurance, be vested in the Board established under this Act.
- (2) Any such contract or instrument as is mentioned in Subsection (1) of this section, shall be of the same force and effect against or in favour of the Board established by this Act and shall be enforceable as fully and effectively as if instead of the Authority existing before the commencement of this Act, the Board established by this Act has been named therein or had been a party thereto.
- (3) The Board established by this Act shall be subject to all obligations and liabilities to which the Authority existing before the commencement of this Act was subjected before the commencement of this Act and all persons shall have the same rights, powers and remedies against the Board established by this Act as they had against the Authority.
- (4) Any proceeding or cause of action pending or existing immediately before the commencement of this Act, by or against the Authority existing before the commencement of this Act in respect of any right, interest, obligation or liability of the Authority existing before the may be continued or as the case may be commenced by or against the Board and any determination of a court, tribunal or other authority or person may be enforced by or against the Board established by this Act to the same extent that such proceeding or cause of action or determination might have been continued, commenced or enforced by or against the Authority.
- (5) Any person who immediately before the coming into force of this Act is the holder of any office in the Authority existing before the commencement of . this Act shall, on the commencement of this Act and without further assurance, continue in office and be deemed to have been appointed to his office by the Board established under this Act unless the authority by which the person was appointed terminates the appointment (*Hon. Tunde Akogun*) — *Agreed to.*

Question that Clause 45 stand part of the Bill, put and agreed to.

Clause 46: Interpretation.

In this Act, unless the context otherwise requires—

"Authority" means the Federal Capital Development Authority established pursuant to the Federal Capital Territory Act (*Hon. Tunde Akogun*).

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

"Board" means the Federal Capital Territory Water Board established under Section 1 of this Act (*Hon. Tunde Akogun*).

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

"catchment area" means any area of land from which water contributes to the storage of water (*Hon. Tunde Akogun*).

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

"consumer" means any person who is supplied with water and includes any person who applied to be supplied with water from any waterworks or any person who otherwise use water and is liable for the payment of water rates, rents or charges (*Hon. Tunde Akogun*).

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

"General Manager" means the General Manager of the Board appointed under Section 9 of this Act (*Hon. Tunde Akogun*).

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

"member" means a member of the Board and includes the Chairman (*Hon. Tunde Akogun*).

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

"meter" includes any appliance used for measuring ascertaining or regulating the quantity of water taken or used from any waterworks by means of any service (*Hon. Tunde Akogun*).

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

"metered supply" means the supply of water by means of a service where the water supply is measured by meter (*Hon. Tunde Akogun*).

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

"owner" includes the person for the time being receiving the rent of the tenement in respect of which the water is used whether on his own account or as agent or trustee of any other person or who would receive the rent if such tenement were to be let to a tenant and includes the holder of a tenement from the Minister whether under-lease, licence or otherwise (*Hon. Tunde Akogun*).

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

"property" includes buildings and appurtenances, accessories, stores, materials, investments, funds, loans and accounts receivable claims and lieus (*Hon. Tunde Akogun*).

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

"public fountains" means any fountain, standpipe, valve, tap 'of any appliance' . used or intended to be used for or in connection with the supply of water to the public from any waterworks, and vested in or erected by the Board and which is the property thereof (*Hon. Tunde Akogun*).

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

"service" includes any pipes, values, cistern, corks, fittings, and other appliances, other than a meter, by or through which water flows or is intended to flow from a waterworks (*Hon. Tunde Akogun*).

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

"Streets" include any square, court, highway, road, close, avenue, thoroughfare, public passage or place which the public have a right of way (*Hon. Tunde Akogun*).

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

"tenement" means any land with or without buildings which is held or occupied as distant or separate holdings or tenancy of any description (*Hon. Tunde Akogun*).

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

"Territory" means the Federal Capital Territory, Abuja (*Hon. Tunde Akogun*).

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

"fire authority" means any authority of body of firemen duly constituted organised or established under any enactment or law by the Federal, State or Local Government (*Hon. Tunde Akogun*).

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

"waterworks" include all reservoirs, ponds, boreholes, or wells, dams, tanks, cisterns, channels, tunnel, fitter beds, conduits, aqueducts, mains, pipes, fountains, sluices, used or constructed for the storage or conveyance, supply, measurement, or regulation of water (*Hon. Tunde Akogun*).

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

Question that Clause 46 stand part of the Bill, put and agreed to.

Clause 47: Short Title.

This Bill may be cited as the Federal Capital Territory Water Board (Establishment, etc.) Bill, 2009 (*Hon. Tunde Akogun*) — *Agreed to.*

Question that Clause 47 stand part of the Bill, put and agreed to.

SCHEDULE

Section 2(3)

SUPPLEMENTARY PROVISION RELATING TO THE BOARD

Proceedings of the Board, Cap 192 LFN

1. Subject to this Act and Section 27 of the Interpretation Act(which provides for decisions of a statutory body to be taken by a majority of its members and for the person presiding at any meeting when a vote is ordered, to have a second or casting vote), the Board may make standing orders regulating its proceedings or that of any of its committees.
2. At every meeting of the Board, the Chairman shall preside at the meeting.
3. The quorum at a meeting of the Board shall be not less than one-third of the total number of members of the Board at the date of the meeting and the quorum of a committee of the board shall be as determined by the Board

4. The Board shall for the purposes of this Act, meet not less than three years in each year and subject, thereto—the Board shall meet whenever it is summoned by the Chairman, and if required to do so, by notice given to him by not less than 5 other members, he shall summon a meeting of the Board to be held within 14 days from the date on which the notice is given.
5. Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him to the Board for such person who is a member by virtue of this paragraph shall not be entitled to vote at any meeting of the Board and not count toward a quorum.
6. A member of the Board who is directly or indirectly interested in any matter being deliberated on by the Board, or interested in contract made or proposed to be made by the Board shall, as soon as possible after the relevant facts have come to his knowledge disclose the nature of his interests at a meeting of the Board.
7. A disclosure under this paragraph shall be recorded in the Minutes of Meetings of the Board and member concerned shall—
 - (a) not after the disclosure, take part in any deliberation or decision of the Board; and
 - (b) be excluded for the purpose of constituting a quorum of any meeting of the Board for any deliberation or decision, with regard to the subject matter in respect of which his interest is so disclosed.

Committees

8.
 - (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 Board is concerned.
 - (2) A committee appointed under this paragraph shall consist of such number of persons (not necessarily members of the Board as may be determined by the Board), and a person, other than a member of the Board, shall hold office on the committee in accordance with the terms of his appointment and the committee shall be presided over by a member of the Board.
 - (3) The quorum of any committee set up by the Board shall be as may be determined by the Board.
 - (4) A decision of a committee of the Board shall be of no effect until it is confirmed by the Board.

Miscellaneous

9. The fixing of the seal of the Board shall be authenticated by the signature of the Chairman or any other person generally or specifically authorised by, the Board to act for that purpose and that of the Secretary.
10. Any contract or instrument which, if made 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 the Secretary or by another person generally or specially authorised by the Board to act for that purpose.
11. Any document purporting to be a contract, instrument or other document duly signed or sealed on behalf of the Institute shall be received in evidence and shall, unless the contrary is proved, be presumed without further proof to have been so signed or sealed.
12. The validity of any proceedings of the Board or of any of its committees shall not be affected by—
 - (a) any defect in the membership of the Board or committees; or Board or committee
 - (b) any defect in the appointment of a member of the Board or committee; or
 - (c) reason that any person not entitled to do so took part in the proceedings of the Board or committee.

13. A member of a committee who has a personal interest in any contract or arrangement entered into or proposed to be considered by the committee shall forthwith disclose his interest to the committee and shall not vote on any question relating to the contract or arrangement.
14. No member of the Board shall be personally liable for any act or omission done or made in good faith while engaged in the business of the Board (*Hon. Tunde Akogun*) — *Agreed to.*

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

Long Title:

A Bill for an Act to Establish the Federal Capital Territory Water Board and for Matters Connected Therewith, 2009 (*Hon. Tunde Akogun*).

Question that a Bill for an Act to Establish the Federal Capital Territory Water Board 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 on a Bill for an Act to Establish the Federal Capital Territory Water Board and for Matters Connected Therewith, 2009 and approved Clauses 1 - 47, 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.

13. Adjournment:

That this House do now adjourn till Wednesday, 29 July, 2009 at 2.00 p.m. (*Hon. Tunde Akogun*).

Adjourned accordingly at 2.10 p.m.

Usman Bayero Nafada
Deputy Speaker