



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 13 October, 2009

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1. The House met at 10.50 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, 8 October, 2009.
By unanimous consent, the Votes and Proceedings was adopted.
 3. **Announcement:**
Visitors:
Mr Deputy Speaker acknowledged the presence in the Gallery, of:
 - (a) Members of the Akinyele/Lagelu Local Government Legislative Council, Oyo State;
 - (b) Staff and Students of Salem Academy, Lugbe, Abuja.
 4. **Petition:**
The following petition was received and referred to the Committee on Public Petitions:

Hon. Austin Nwachukwu (*Ehime Mbano/IhitteUboma/Obowo Federal Constituency*), from Ex-Sgt. Vitalis Ogu, praying the House to intervene in his alleged wrongful dismissal by the Nigeria Police Force with a view to reinstating him and to grant other reliefs sought in his petition.
 5. **Presentation of Report:**
 - (i) **Joint Committee on Petroleum Resources (Downstream) and Justice:**
Motion made and Question proposed, "That this House do receive the Report of the Joint Committee on Petroleum Resources (Downstream) and Justice on a Bill for an Act to Amend the Petroleum Production and Distribution (Anti-Sabotage) Act, Cap. P12 Laws of the Federation, 2004 to Provide for New Offences under the Act; to Establish the Task Force for the Monitoring of Petroleum Installations in the Country, and for Matters Related Thereto, 2008" (*Hon. Clever M. Ikisikpo*).

Question put and agreed to.

Report laid.
 6. **The Recent 900 % Upward Review of Land charges in the Federal Capital Territory (FCT): A Call for Immediate Reversal:**
Motion made and Question proposed,

The House:
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Notes that the Hon. Minister of the Federal Capital Territory (FCT) recently reviewed upward charges on land from ₦2000 per/m² to ₦18,000 per/m² (which represents 900%) increment in service area and ₦10,000 per/m² (an increase of 500%), in un-serviced area;

Further notes that the increase, according to the FCT Minister was meant to reduce land racketeering, make land and houses available to Nigerians and to generate more funds to finance the provision of infrastructure in the new districts;

Concerned that the FCT Administration took the decision on the new charges without the approval by the National Assembly as its law making body;

Further concerned that any decision taken by the Minister of FCT or any other officers of the Executive that imposes financial burden on the citizenry requires the prior scrutiny and approval of the National Assembly;

Resolves to:

- (i) Urge the Minister of the Federal Capital Territory (FCT) to revert to the old charges;
- (ii) Mandate the Committees on FCT and FCT Area Councils and Ancillary Matters to conduct a public hearing on the recent upward review of land charges in the Federal Capital Territory (*Hon. Chukwudi Mayor Eze*).

Debate:

Amendment Proposed:

- (i) In Prayer (i), immediately after the word "charges", *insert* the following words "pending the outcome of the Public Hearing to be conducted by the relevant Committees" (*Hon. Mohammed Ali Ndume*).

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

- (ii) In Prayer (ii), line 1, immediately after the word "Matters", *insert* the words "and Justice and Judiciary" (*Hon. Peter Linus Umoh*).

Question that the amendment be made, put and negatived.

- (iii) *Insert* a new Prayer (iii) as follows:
"Mandate the Joint Committee on Federal Capital Territory, F.C.T Area Councils and Justice to propose the necessary legislation on any review on land charges for approval of the National Assembly" (*Hon. C. I. D. Maduabum*).

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

Main Question as amended put and agreed to.

The House:

Noted that the Hon. Minister of the Federal Capital Territory (FCT) recently reviewed upward charges on land from ₦2000 per/m² to ₦18,000 per/m² (which represents 900%) increment in service area and ₦10,000 per/m² (an increase of 500%), in un-serviced area;

Further noted that the increase, according to the FCT Minister was meant to reduce land racketeering, make land and houses available to Nigerians and to generate more funds to finance the provision of infrastructure in the new districts;

Concerned that the FCT Administration took the decision on the new charges without the approval by the National Assembly as its law making body;

Further concerned that any decision taken by the Minister of FCT or any other officers of the Executive that imposes financial burden on the citizenry requires the prior scrutiny and approval of the National Assembly;

Resolved to:

- (i) Urge the Minister of the Federal Capital Territory (FCT) to revert to the old charges pending the outcome of the Public Hearing to be conducted by the relevant Committees;

- (ii) Mandate the Committees on FCT and FCT Area Councils and Ancillary Matters to conduct a public hearing on the recent upward review of land charges in the Federal Capital Territory;
- (iii) Mandate the Joint Committee on Federal Capital Territory, F.C.T Area Councils and Justice to propose necessary legislation on any review on land charges for approval of the National Assembly (HR. 57/2009).

7. **A Bill for an Act to Make Provisions that will Enable the National Assembly to be More Effective in Screening Ministers of the Federal Government of the Federation pursuant to the Provisions of Section 147 of the 1999 Constitution and for Other Matters Relating Thereto, 2009 — Second Reading:**
Motion made and Question proposed, "That a Bill for an Act to Make Provisions that will Enable the National Assembly to be More Effective in Screening Ministers of the Federal Government of the Federation pursuant to the Provisions of Section 147 of the 1999 Constitution and for Other Matters Relating Thereto, 2009 be now read a Second Time" (Hon. Friday Itulahi)

Debate:

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

Bill read a Second Time and referred to the Committee on Governmental Affairs.

8. **A Bill for an Act to Provide for the Establishment of the City Technical University, Kaduna and Other Related Matters Thereof, 2009 — Second Reading:**
Motion made and Question proposed, "That a Bill for an Act to Provide for the Establishment of the City Technical University, Kaduna and Other Related Matters Thereof, 2009 be now read a Second Time" (Hon. Godfrey Ali Gaya)

Debate:

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

Bill read a Second Time and referred to the Committee on Education.

9. **A Bill for an Act to Provide for the Control of Public Exhibition of an exposure of Children to Pornographic Materials in Nigeria; and for Related Matters, 2009 — Second Reading:**
Motion made and Question proposed, "That a Bill for an Act to Provide for the Control of public Exhibition of an exposure of Children to Pornographic Materials in Nigeria; and for Related Matters, 2009 be now read a Second Time" (Hon. Darling Okereke).

Debate:

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

Bill read a Second Time and referred to the Joint Committee on Information and National Orientation and Women Affairs.

10. **A Bill for an Act for Construction Companies to Construct, Build and Maintain Roads and Erosion Projects for Five Years before Handing Over and Other Matters Connected Therewith 2009 — Second Reading:**
Motion made and Question proposed, "That a Bill for an Act for Construction Companies to Construct, Build and Maintain Roads and Erosion Projects for Five Years before Handing Over and Other Matters Connected Therewith 2009 be now read a Second Time" (Hon. Austine Nwachukwu).

Debate:

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

Bill read a Second Time and referred to the Joint Committee on Works and Public Procurement.

11. **A Bill for an Act to Regulate the Profession of Agriculture and to Make Provisions for the Establishment, Functions and Administration of Nigerian Institute of Agriculturists, and for Related Matters, 2009 — Second Reading:**

Order read, deferred.

12. Consideration of Reports:**(i) Committee on Finance:**

A Bill for an Act to Amend the Chartered Institute of Accountants of Nigeria Act 1965 and for Other Matters Connected Therewith:

Pursuant to House mandate to the Committee on Judiciary, the Chairman, Hon. H. O. Dickson reported that the House has the power to resume consideration on the Bill for the following reasons:

- (i) that the House is not a party to the suit or any suit at all on the Bill;
- (ii) that there is no restraining order on the House to stay action on the consideration of the Bill; and
- (iii) that the provisions of section 4 of the Constitution of the Federal Republic of Nigeria 1999, gives the House enabling legislative powers for consideration of the Bill.

Committee ordered to table a formal reply to the mandate of the House in respect of the Bill.

(ii) A Bill for an Act to Establish the Environmental Managers Registration Council of Nigeria as a body Corporate and to empower the Council, Inter Alia to determine Person, what Standard of Knowledge and skill to be attained by such persons; and for Related Matters, 2009.

Motion made and Question proposed, "That this House do consider a Bill for an Act to Establish the Environmental Managers Registration Council of Nigeria as a body Corporate and to empower the Council, Inter Alia to determine Person, what Standard of Knowledge and skill to be attained by such persons; and for Related Matters, 2009" (Hon. Ita Enang).

Question put and agreed to.

Question that the House do resolve into the Committee of Whole to consider the Report, put and agreed to.

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO ESTABLISH THE ENVIRONMENTAL MANAGERS REGISTRATION COUNCIL OF NIGERIA AS A BODY CORPORATE AND TO EMPOWER THE COUNCIL, INTER ALIA TO DETERMINE PERSONS, WHAT STANDARD OF KNOWLEDGE AND SKILL TO BE ATTAINED BY SUCH PERSONS; AND FOR RELATED MATTERS

PART I — ESTABLISHMENT OF THE ENVIRONMENTAL MANAGERS REGISTRATION COUNCIL OF NIGERIA

Clause 1: Establishment of the Environmental Managers Registration Council of Nigeria.

- (1) There is hereby established a body to be known as the Environmental Managers Registration Council of Nigerian (in this Bill referred to as "the Council").
- (2) The Council —
 - (a) shall be a body corporate with—
 - (i) perpetual succession,
 - (ii) a common seal; and
 - (b) may sue and be sued in its corporate name (*Hon. Tunde Akogun*) —
Agreed to.

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

Clause 2: Functions of the Council.

The Council is charge with the general duty of —

- (a) determining who are environmental managers for the purpose of this Bill;
- (b) determining what standards of knowledge and skill are to be attained by persons seeking to become registered as environmental managers and reviewing such standards from time to time for the purpose of raising them;

- (c) securing, in accordance with the provisions of this Bill, the establishment and maintenance of a register of person entitled to practice as environmental managers and the publication from time to time of the list of such persons;
- (d) regulating and controlling the practice of environment management (in this Bill referred to as "the profession") in all its aspects and ramifications; and
- (e) performing other functions conferred on the council by this Bill (*Hon. Tunde Akogun*) — *Agreed to.*

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

Clause 3: Membership of the Council.

- (1) Subject to the provision of this Bill, the Council shall consist of the following—
 - (a) one person who shall be appointed as President of the Council,
 - (b) four persons appointed by the Minister charged with responsibility for matter relating to the environmental (in this Bill referred to as "the Minister") of whom at least one person shall be employed by the Ministry under his control, and the other interest in the field environmental management covered by this Bill, which in his opinion are not adequately represented;
 - (c) six person appointed by the Minister to represent the states in rotation for two years at a time, no two of whom shall come from the same State;
 - (d) six persons elected by the Environmental Management Association (in this Bill referred to as "the Association") in the manner for the time being provided by the constitution of the Association; and
 - (e) two persons to represent the Universities and other institutions of higher education offering courses leading to approved qualification for environmental management in institution of higher education referred to in this paragraph shall have more than one representative at a time.
- (2) The provisions of the First Schedule to this Bill shall have effect with respect to the qualification and tenure of office members of the Council, powers and procedure of the Council and the other matters therein mentioned (*Hon. Tunde Akogun*) — *Agreed to.*

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

Clause 4: Financial Provisions.

- (1) The Council shall prepare and submit to the Minister not later than the 31st day of December of each year in which this subsection comes into force (so however, that for that year the Minister may if it considers it necessary extend the period) and of each subsequent year an estimated of its expenditure and income during the next succeeding financial year.
- (2) The Council shall keep proper records in respect of each financial year and proper records in relation to those accounts, and shall cause its accounts to be audited as soon as may be after the end of the financial year to which the accounts related, by a firm of auditors approved as respects that year by the Minister (*Hon. Tunde Akogun*) — *Agreed to.*

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

PART II — THE REGISTRAR

Clause 5: Appointment of Registrar, Preparation and Maintenance of a Register.

- (1) The Council shall appoint a fit and proper person to be Registrar for the purpose of this Bill.

- (2) The Registrar shall prepare and maintain, in accordance with the rules made by the Council under this section, a register of environmental managers (in this Bill referred to as "the register").
- (3) The register shall contain the names, address approved qualifications and such other particulars as may be specified by the Council, of all persons who are entitled, in accordance with the provisions of the Bill, to be registered as environmental manager (and who apply in the specified manner to be so registered).
- (4) The register shall consist of two parts of which one shall be respect of fully registered persons and the other in respect of provisionally registered persons.
- (5) Subject to the following provision of this section, the Council shall make rules with respect to the form and keeping of the register and the making of entries therein, and in particular—
 - (a) regulating the making of applications for registration and providing for the evidence to be produced in support of application;
 - (b) providing for the notification to the Registrar, by the person to whom the registered particulars relate, of any change in those particulars,
 - (c) authorizing a registered person to have any qualification which is registered in relation to his name in addition to or, as he may elect, in substitution for any other qualifications so registered,
 - (d) specifying anything falling to be specified under the provisions of this section.
- (6) The Registrar shall—
 - (a) correct, in accordance with the Council's direction, any entry in the register which the Council directs him to correct as being in the Council's an entry which was incorrectly made;
 - (b) make, from time to time, any necessary alteration to the registered particulars of registered persons;
 - (c) remove from the relevant part of the register the name of any registered person who has died, or as the case may be, has ceased to be entitled to be registered.
- (7) If the Registrar—
 - (a) sends by post to any registered person a letter addressed to him at his address on the register enquiring whether the registered particulars relating to him are correct and receives on 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 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 relevant part of the register.
- (8) The Council may for any reason which seems to be sufficient, direct the registrar to restore to the appropriate part of the register any particular removed there from under this subsection (*Hon. Tunde Akogun*) — *Agreed to.*

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

Clause 6: Publication of the Register and list of Correction.

- (1) The Registrar shall —
- (a) cause a list of persons whose name and qualifications are indicated in the register to be printed, published and put sale to members of the public not later than two years from the beginning of the year in which Bill comes into force;
 - (b) in each year after that in which a register is first published under paragraph (a) of this subsection, cause to be printed, published and put on sale as either a corrected edition of the register or a list of alterations made to the register since it was last printed; and
 - (c) cause a print of each edition of the register and of each list of correction to be deposited at the principal office of the Council, and the Council shall keep the register and list so deposited open at all reasonable times for inspection by members of the public.
- (2) A document purporting to be a print of an edition of a register published under this section by authority of the Registrar in the current year, or documents purporting to be prints of an edition of a register so published in a previous year and a list of corrections to that edition so published in the current year, shall, without prejudice to any other mode of proof, be admissible in any proceeding as evidence that a person specified in the document, or the documents read together, as being fully or provisionally registered, is so registered, and that any person not so specified is not so registered (*Hon. Tunde Akogun*) — *Agreed to.*

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

PART III — REGISTRATION**Clause 7: Registration of Environmental Managers.**

- (1) Subject to the provision of this Bill and to rules made under Section 6, a person shall not be entitled to be fully or provisionally registered under this Bill as an environmental manager unless—
- (a) he has attended a course of training approved by the Council under section 9 of this Bill,
 - (b) the course was conducted at an institution so approved, or partly at one such institution and partly at another or other;
 - (c) he holds a qualification so approved;
 - (d) he has passed the professional practice competence examination conducted by the Association; and
 - (e) he is a member of the Association.
- (2) An applicant for registration under this Bill shall, in addition to the evidence of qualification, satisfy the Council that—
- (a) he is of good character;
 - (b) he has attained the age of twenty-one years;
 - (c) he has not been convicted in Nigeria or elsewhere of an offence involving fraud or dishonesty.
- (3) A fully registered environmental manager shall be entitled to a seal from the Council but any seal presented in pursuant of this subsection may be withdraw by the Council from such a member on—

- (a) his ceasing to become a registered member;
 - (b) being convicted of an offence under this Bill;
 - (c) disciplinary grounds; and
 - (d) his ceasing to become a member of the Association.
- (4) The Council may in its 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.
- (5) The Council shall from time to time, publish in the Federal Gazette particulars of the qualification for the time being accepted for registration under this Bill.
- (6) The Council may, impose further conditions for the purpose of any registration under this Bill but such conditions shall not come into force until published in the Federal Gazette (*Hon. Tunde Akogun*) — *Agreed to*.

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

Clause 8 Approval of Institutions, Courses of Training and Qualifications by Council.

- (1) Subject to Subsection (2) of this section, the Council may approve for the purpose of Section 7 of this Bill—
- (a) any course of training which is intended for persons who are seeking to become, or are already qualified as, environmental manager;
 - (b) any institution, either in Nigeria or elsewhere which the Council on the recommendations of the Association considers properly organized and equipped for conducting the whole or any part of a course of training approved by the Council under this section;
 - (c) any qualification which as a result of examination take in conjunction with a course of training approved by the Council under this section, is granted to candidates reaching a standard at the examination indicating, in the opinion of the Council that they have sufficient knowledge and skills to practice environmental management as a profession, otherwise as a principal.
- (2) The Council shall from time to time publish in the Federal Gazette a list of qualifications in the profession of environmental management approved by it and the Council shall not approve for the purposes of Subsection (1) qualifications granted by an institution unless the qualifications have been so published by the Council.
- (3) The Council shall, on the recommendation of the Association, withdraw any approval given under this section in respect of any course, qualification or institution, but before withdrawing such an approval the Council shall—
- (a) give notice that it proposes to do so to each person in Nigeria appearing to the Council to be a person 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 to the Council representations with regard to the proposal; and
 - (c) take into consideration any representation made as respect the proposal in pursuance of paragraph (b) of this subsection.
- (4) As respects any period during which the approval of the Council 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.

- (5) The giving or withdrawal of an approval under this section shall have the effect from such date, either before or after the execution of the instrument signifying the giving or withdrawal of the approval, as the council may specify in the instrument, and the Council shall—
- (a) as soon as possible publish a copy of every such instrument in the Federal Gazette and
- (b) not later than 7 days before its publication as aforesaid, send a copy of the instrument to Minister (*Hon. Tunde Akogun*) — *Agreed to.*

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

Clause 9: Supervision of Instructors and Examinations Leading to approved qualification.

- (1) The Council shall keep itself informed of the nature of—
- (a) the instruction given at approved institutions to persons attending approved course of training; and
- (b) the examinations as a result of which approved qualification are granted.
- (2) For the purposes of performing its functions, the Association shall visit the approved institutions, attend their examinations and thereafter make recommendations to the Council.
- (3) The Association shall report to the Council as to—
- (a) the adequacy of the instruction given to persons attending approved courses at the institutions visited;
- (b) the adequacy of the examination attended; and
- (c) any other matter relating to the institution of examination on which the Council may, either generally or in a particular case, request the association to report, but the association shall not interfere with the giving of any instruction or the holding of any examination.
- (4) On receiving a report made in pursuance of this section, the Council shall, as soon as may be possible 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. Tunde Akogun*) — *Agreed to.*

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

Clause 10: Certificate of Professional Competence.

- (1) Any person who having qualified as an environmental manager by examination after the commencement of this Bill or within two years before the commencement as the case maybe, satisfies the conditions mentioned in Section 7 (2) and (2) of this section, may apply for and be entitled to receive free of charge a certificate of professional competence from the association entitling him to be fully registered as an environmental manager under this Bill, and such certificate shall, when received by the person, be field with his application for full registration.
- (2) The conditions are—
- (a) he shall, during his employment after qualification have acquired practical experience under the personal supervision and guidance of one or fully registered environmental manager for the period of two years; and

- (b) the manager in which he carried out the duties of his employment and his conduct during the period of his employment shall have been satisfactory.
- (3) It shall be the duty of the employer being a fully registered environmental manager supervising the work of persons employed with a view to obtaining a certificate of professional competence to ensure that the last mentioned person is afforded proper opportunities of acquiring the practical experience required for the purposes of paragraph (a) of Subsection (2) (*Hon. Tunde Akogun*) — *Agreed to.*

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

Clause 11: Registrar to notify institution of entries in the register.

The Registrar shall, as soon as practicable, after the entry in the register of any person's name, or after the removal of such name from the register, give notice in writing to the institution of the entry or removal, as the case may be, together with all the particulars relevant thereto (*Hon. Tunde Akogun*) — *Agreed to.*

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

PART IV — PROFESSIONAL DISCIPLINE

Clause 12: Disciplinary Power of the Council.

- (1) There shall be a Tribunal to be known as the Environmental Managers Disciplinary Tribunal (in this Bill referred to as "the Tribunal") which shall be charged with the duty of considering and determining any case referred to it by the Panel established under Subsection (3) of this section and any other case of which the Tribunal has cognizance under the following provisions of the Bill.
- (2) The Tribunal shall consist of the President of the Council and eleven other members appointed by the Council of whom not less than four shall be members of the Council holding office by virtue of Section 3 (1) (d) of this Bill or where the number of those members is for time being less than four of those members.
- (3) There shall be a body to be known as the Environmental Managers Investigation Panel (in this Bill referred to as "the Panel") which shall be charged with the duties of—
 - (a) conducting a preliminary investigation into any case where it is alleged that a person registered has misbehaved in his capacity as an environmental manager, or should for any other reason be the subject of proceedings before the Tribunal; and
 - (b) deciding whether the case shall be referred to the Tribunal.
- (4) The Panel shall be appointed by the Council and shall consist of seven members.
- (5) The provisions of the Schedule to this Bill shall, so far as applicable to the Tribunal and the Panel respectively, have effect with respect to those bodies (*Hon. Tunde Akogun*) — *Agreed to.*

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

Clause 13: Penalties for unprofessional Conduct, etc.

- (1) Where —
 - (a) a person fully registered or provisionally registered under this Bill is judged by the Tribunal to be guilty of infamous conduct in any professional respect; or
 - (b) such a person is convicted of an offence in Nigeria or elsewhere by any court having power to impose imprisonment (whether or not such an offence is punishable with imprisonment) which in the opinion of the Tribunal is incompatible with the status of the environmental manager; or

- (c) the Tribunal 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 Tribunal 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 Tribunal, but —
 - (a) no decision shall be deferred under this subsection for a period exceeding two years in the aggregate; and
 - (b) no person shall be a member of the Tribunal for the purpose of reaching a decision which has been deferred or further deferred unless he was present as a member of the Tribunal when the decision was deferred or further deferred.
- (3) For the purpose of Subsection (1) of this section, a person shall not be treated as convicted unless the conviction stands at a time when no appeal of further appeal is pending or may (without extension of time) be brought in connection with the conviction.
- (4) When the Tribunal gives a direction under Subsection (1) of this section, it shall cause notice of the direction to be served on the person to whom it relates.
- (5) A person to whom such a direction relates may, at any time within twenty-eight days from the date of service on him of the notice of the direction, appeal against the direction to the court of appeal, and the Tribunal may appear as respondent to the appeal and, for the purpose of enabling directions to be given as to the cost of the appeal and of proceedings before the Tribunal, shall be deemed to be a party thereto whether or not it appear no the hearing of the appeal.
- (6) A direction of the Tribunal under Subsection (1) of this section shall take effect —
 - (a) where no appeal under this section is brought against the direction within the time limited for the appeal, on the expiration of that time;
 - (b) where an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal; and
 - (c) where an appeal is brought and is not withdrawn or struck out, if and when the appeal is dismissed.
- (7) A person whose name is removed from the register in pursuance of a direction of the Tribunal under this section shall not be entitled to be registered again except in pursuance of a direction in that behalf given by the Tribunal on the application of that person, and a direction under this section of the removal of a person's name from the register may prohibit an application under this subsection by that person until the expiration of such period from the date of the direction, and where he has duly made such an application, from the date of his last application, as may be specified in the direction (*Hon. Tunde Akogun*) — *Agreed to*.

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

PART V — MISCELLANEOUS AND GENERAL

Clause 14: Temporary registration of persons not citizen of Nigeria.

- (1) Where a person satisfies the Council—
 - (a) that has been selected for employment for a specified period in a capacity in which a person registered as an environmental manager under this Bill is qualified to be employed and that he is or intends to be in Nigeria temporarily for the purpose of serving for that period in the employment in question.

- (b) that holds a qualification or has passed examination necessary; and
 - (c) for obtaining some qualifications granted outside Nigeria which is for the time being accepted by the Council as respects the capacity in which, if employed, he is to serve, the Council may, if it thinks fit, give a direction that he shall be temporarily registered as an environmental manager.
- (2) The temporary registration of a person shall continue only while he is in such employment as is mentioned in Subsection (1) (a) of this section and shall cease at the end of the period of the employment specified to the Council under that subsection or on the prior determination for the employment whichever first occurs.
- (3) Nothing in Subsection (2) shall preclude the Council from giving a further direction under Subsection (1) of this section in respect of a specified period whose commencement coincides with the termination or prior determination of another employment.
- (4) A person who is temporarily registered shall, in relation to his employment and to things done or omitted to be done in the course of that employment, be deemed to be fully registered, but in relation to all other matter, he shall be treated as not so registered.
- (5) In case of doubt as to whether a person's employment has been terminated, the decision of the Council shall be conclusive for the purpose of Subsection (2) of this section.
- (6) The Register, as directed from time to time by the Council, shall remove from the register the name of any person ceasing to be entitled to the benefit of this section (*Hon. Tunde Akogun*) — *Agreed to.*

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

Clause 15: Offences.

- (1) A person, not being a registered environmental manager, who —
 - (a) for or in expectation of reward, practices or holds himself out to practice as such, or
 - (b) without reasonable excuse takes or uses any name, title addition or description implying that he is authorized by law to practice as a registered environmental manager, shall be guilty of an offence under this Bill.
- (2) If a person, 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 a material particular, or
 - (b) recklessly makes a statement which is false in a material particular, he shall be guilty of an offence under this Bill.
- (3) If the Registrar or any other person employed by the Council willfully makes any falsification in any matter relating to the register, he shall be guilty of an offence under this Bill.
- (4) A person guilty of an offence under this Bill shall be liable—
 - (a) on conviction in a court lower than the High Court to a fine not exceeding ₦10,000.00 (Ten Thousand Naira) and, where the offence is a continuing one, to a further fine not exceeding ₦5,000.00 (Five thousand Naira) for each and every day the offence continues;

- (b) on conviction in a High Court, to a fine not exceeding ₦50,000.00 or imprisonment for a term not exceeding five years or both and, where the offence is a continuing one, to a further fine not exceeding ₦20,000.00 for each and every day the offence continues.
- (5) Where an offence under this section 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 neglects on the part of any director, manager, secretary or any person purporting to act in any such capacity he, as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly (*Hon. Tunde Akogun*) — *Agreed to.*

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

Clause 16: Supplementary Provisions.

- (1) Subject to the following provisions of this section, a person not otherwise exempted shall not hold an appointment requiring status as environmental manager under this Bill in the public service of the Federation or of a State or in the armed forces of the Federation unless he is an environmental manager registered under this Bill.
- (2) An environmental manager shall, but to the extent only of his particular qualification, be entitled to practice as a registered environmental manager throughout the Federation.
- (3) A person in charge of any university or institution in the Federation offering courses leading to an approved qualification intended for persons who are seeking to become registered as environmental manager under this Bill shall furnish the Registrar, not later than 31st day of March in every year, with a list of the names and or such other particulars, as the Council may specify, of all persons who attended any such courses at the university or institution in question at any time during the preceding year.
- (4) In this section, "public service" includes service as a registered environmental manager in or with any educational institution, commission, corporation or state-owned or joint venture company and any employment in the Federation (*Hon. Tunde Akogun*) — *Agreed to.*

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

Clause 17: Control of Council by Minister.

- (1) The Minister may give to the Council directions of a general character or relating generally to particular matters (but not to any individual person or case) with regard to the exercise by the Council of its functions and it shall be the duty of the Council to comply with the directions.
- (2) Before giving a direction under subsection (1) of this section, the Minister shall serve a copy of the proposed direction on the Council and shall afford the Council an opportunity of making representations to him with respect to the directions; and after considering any representations made to him in pursuance of this subsection, the Minister may give the direction either without modification or with such modifications as appear to him to be appropriate having regard to the representations (*Hon. Tunde Akogun*) — *Agreed to.*

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

Clause 18: Regulations, Rules and Orders.

- (1) The Council shall have power to make regulations, as may in its opinion, be necessary or expedient for giving full effect to the provisions of this Bill and for the administration thereof.

- (2) Any power to make regulations, rules and orders under this section shall include power—
- (a) to make provision for such incidental or supplemental matter as the person or authority making the instrument considering expedient for the purpose of the instrument; and
- (b) to make different provision for different circumstances (*Hon. Tunde Akogun*) — Agreed to.

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

Clause 19: Interpretation.

- (1) In this Bill—

"approved qualification" means such qualification which is approved for the time being by the Council (*Hon. Tunde Akogun*).

Question that the meaning of the words "approved qualification" be as defined in the interpretation to this Act, put and agreed to.

"Council" means the Environmental Managers Registration Council of Nigeria (EMRECON) established under Section 1 (1) of this Bill (*Hon. Tunde Akogun*).

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

"environmental manager" means any person registered as such under this Bill (*Hon. Tunde Akogun*).

Question that the meaning of the words "environmental manager" be as defined in the interpretation to this Act, put and agreed to.

"Association" means the Environmental Management Association of Nigeria (EMAN) (*Hon. Tunde Akogun*).

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

"Profession" means the profession of environmental management (*Hon. Tunde Akogun*).

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

"Environmental Management" means the reconciliation of the demands for socioeconomic systems within the constraints of the biosphere and atmosphere the aim of which is to minimize environmental impacts, to husband, and to add to existing resources for the future, through planning, organizing coordinating/directing, controlling, monitoring, evaluating and analyzing environmental activities, including environmental impacts analysis and assessment, post impact studies, baseline studies environmental audit and waste management (*Hon. Tunde Akogun*).

Question that the meaning of the words "Environmental Management" be as defined in the interpretation to this Act, put and agreed to.

"Register" means the register maintained under this Bill and "registered" shall be construed accordingly (*Hon. Tunde Akogun*).

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

"Registrar" means the registrar appointed in pursuance of Section 6 of this Bill (*Hon. Tunde Akogun*).

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

- (2) For the purpose of this Bill, a person is registered if his name is, for the time being, entered in the register
- (3) Any approval, consent direction, notice, observation, report representation or request authorized or required to be given or made by or under this Bill shall be in writing and, may without prejudice to any other method of service but subject to the rules made under the second schedule to this Bill be served by post. (*Hon. Tunde Akogun*) — *Agreed to.*

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

Clause 20: Citation.

This Bill may be cited as the Environmental Managers Registration Council of Nigeria Bill, 2009 (*Hon. Tunde Akogun*) — *Agreed to.*

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

SCHEDULES

Section 3 (2)

FIRST SCHEDULE

SUPPLEMENTARY PROVISION RELATING TO THE COUNCIL

QUALIFICATIONS AND TENURE OF OFFICE OF MEMBERS

1. (1) A person shall not be appointed a member of the Council unless he is a citizen of Nigeria and he is registered as an environmental manager under this Bill.
- (2) Subject to the provisions of this paragraph, a person who is a member of the Council otherwise than by virtue of Section 3 (1) (d) of this Bill shall hold office for a period not exceeding five years beginning with the date of his appointment or election, as the case may be: Provided that a person shall not hold office, whether appointed or elected, for a term of less than five years unless the Minister after consultation with the Council otherwise directs.
- (3) Any member of the Council holding office otherwise than as mentioned in sub-paragraph (2) of this paragraph may, be notice to the Council, resign his office.
- (4) Subject to section 3 of this Bill, a person who has ceased to be a member of the Council shall be eligible again to become a member of the Council.
- (5) Where a member of the Council ceases to hold office before the date when his term of office would have expired by effluxion of time, the body or person by whom he was appointed or elected shall, as soon as may be possible, appoint or, as the case may be, elect a person to fill the vacancy for the residue of the term so that provisions of this subparagraph shall not apply where a person holding office as a member of the Council ceases to hold office at a time when the residue of his term does not exceed one year.
- (6) The power of appointing a person as President of the Council shall—
 - (a) during the period beginning with the date when this Bill comes into force, be exercisable by the Minister on the recommendation of the Association; and
 - (b) after the expiration of that period, be exercisable by the Council and where an existing member of the Council is appointed President, his office as an existing member shall become vacant and his term of office as President shall begin on the date of his appointment as President.

- (7) Notwithstanding that the term of office of a member of the Council has expired by the effluxion of time, a person appointed, as President, Vice President and one other person shall continue in that office until a fresh appointment is made to the office
- (8) The quorum of the Council shall be seven so that at least two of the person elected by the Association and two of the representatives of the States of the Federation are present at the particular meeting, and the quorum of any committee of the Council shall be determined by the Council.

Power of the Council

2. (1) The Council shall have power to do anything, which in its opinion is calculated to facilitate the carrying on of its activities.
- (2) The Council shall have power to borrow money or to dispose of any property and it shall have power to pay remuneration (including pensions) allowances, or expenses to any member, officer or servant of the Council or to any other person.

Proceeding of the Council

3. Subject to the provision of this Bill and of Section 27 of the Interpretation Bill (which provides for decisions of a body to be taken by a majority of the members of the body and for the President to have a second or casting vote), the Council may make standing orders regulating the proceedings of the Council or of any committee thereof.
4. The quorum of the Council shall be seven and the quorum of any Committee of the Council shall determined by the Council.
5. (1) The Council shall appoint one of members to be the Vice-President of the Council for such period as the Council may determine, so that the Vice President who ceases to be a member shall cease to be a Vice-President.
- (2) At any time while the office of the President either is vacant or the president is, in the opinion of the Council permanently or temporary unable to perform the function of his office, the Vice-President shall perform those functions, and references in this Schedule to the President shall be construed accordingly.
6. (1) Subject to the provisions of any standing orders of the Council the Council shall meet whenever it is summoned by the President and if the President is required so to do, by notice given to him by not less than six other members, he shall summon a meeting of the Council to be held within seven days from the date of which the notice is given.
- (2) At any meeting of the Council, the President or in his absence the Vice- President shall preside, but if both are absent, the members present at the meeting shall appoint one of them to preside at that meeting.
- (3) Where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt him as a member for such period as it thinks fit, but a person who is a member by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Council and shall not count towards a quorum.
- (4) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the Council shall be summoned by the Minister who may give such directions as he thinks fit as to the member who shall preside and as to the procedure which shall be followed at the meeting.

Committee

7. (1) The Council may appoint one or more Committees to carry out on behalf of the Council such functions as the Council may determine.

- (2) A Committee appointed under this paragraph shall consist of the number of person determined by the Council, and not more than one-third of those persons may be persons who are not members of the Council, and a person other than a member of the 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 Council shall be of no effect until it is confirmed by the Council.

Miscellaneous

8. (1) The fixing of the seal of the Council shall be authenticated by the signature of the President or of some other member authorized generally or specifically to act for that purpose by the Council.
- (2) Any contract or instrument which, if made or executed by a person not being a body corporate would not be required to be under seal, may be made or executed on behalf of the Council by any person generally or specially authorized to act for that purpose by the Council.
- (3) Any document purporting to be a document duly executed under the seal of the Council shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.
9. The validity of any proceeding of the Council or of a Committee shall not be affected by any vacancy in the membership of the Council or Committee, or by any defect in the appointment of a member of the 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.
10. A member of the Council or any person holding office on a Committee of the Council who has a personal interest in any contract of arrangement entered into or proposed to be considered by the Council or a Committee thereof shall forthwith disclose his interest to the Council and shall not vote on any question relating to the contract or arrangement
11. A person shall not, by reason of his membership of the Council, be treated as holding an office in the public service of the Federation or of State thereof (*Hon. Tunde Akogun*) — *Agreed to.*

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

SECOND SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY TRIBUNAL AND INVESTIGATING PANEL

The Tribunal

1. The quorum of the Tribunal shall be four
2. (1) The Chief Justice of Nigeria shall make rules as to the procedure to be followed and the rules of evidence to be observed in proceedings before the Tribunal
- (2) 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 persons aforesaid, shall be a party to the proceedings;
 - (c) for securing that any party to the proceedings shall, if so required, be entitled to be heard the Tribunal
 - (d) for enabling any party to the proceedings to be represented by a legal practitioner;

- (e) subject to the provisions of Section 13 (5) of this Bill, as to the costs of proceedings before the Tribunal;
 - (f) 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 Tribunal 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; and
 - (g) for publishing in the Federal Gazette notice of any direction of the Tribunal which has taken effect providing that a person's name shall be struck off a register.
- (3) For the purposes of any proceeding before the Tribunal, any member of the Tribunal may administer oaths and any party to the proceedings may sue out of the registry of the High Court, as the case may require, writs of *subpoena ad testificandum* and *duces tecum*, but no person appearing before the Tribunal shall be compelled—
- (a) to make any statement before the Tribunal 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 Tribunal on questions of law arising in the proceedings before it, there shall, in all such proceedings, be an assessor to the Tribunal who shall be appointed by the Council on the nomination of the Chief Justice of Nigeria and shall be a legal practitioner of not less than seven years standing.
- (2) The Chief Justice of Nigeria shall make rules as to the functions of the assessor appointed under this paragraph, and in particular, such rules shall contain provision for securing—
- (a) that where an assessor advises the Tribunal on any question of law as to evidence, procedure or any other matter specified by the rules, he shall do so in the presence of every party or person representing a party to the proceedings who appears, threaten or, if the advice is tendered while the Tribunal is deliberating in private, that every such party or person shall be informed as to what advice the assessors had tendered; and
 - (b) that every such party or person shall be informed if the Tribunal does not in any case accept the advice of the assessor on such a question.
- (3) An assessor may be appointed under this paragraph either generally or for any particular proceeding 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 meeting attended by not less than six members make standing order with respect to the Panel.
- (2) Subject to the provisions of any such standing order, the Panel may regulate its own procedure.

Miscellaneous

6. (1) A person ceasing to be a member of the Tribunal 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 Tribunal and the Panel, but no person who acted as member of the panel with respect to any case shall act as a member of the Tribunal with respect to that case.

7. The Tribunal 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 subparagraph (2) of paragraph 6 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. The Tribunal and the Panel may each sit in two or more divisions.
9. Any document authorized or required by virtue of this Bill to be served on the Tribunal or the Panel shall be served on the Registrar.
10. Any expenses of the Tribunal or the Panel shall be defrayed by the Council.
11. A person shall not, by reason only of his appointment as an assessor to the Tribunal or as a member of the Panel, be treated as holding an office in the public service of the Federation or of any State thereof (*Hon. Tunde Akogun*) — *Agreed to.*

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

Long Title:

A Bill for an Act to Establish the Environmental Managers Registration Council of Nigeria as a Body Corporate and to Empower the Council, *inter alia* to Determine Persons, What Standard of Knowledge and Skill to be Attained by such Persons; and for Related Matters (*Hon. Tunde Akogun*) — *Agreed to.*

Question that a Bill for an Act to Establish the Environmental Managers Registration Council of Nigeria as a Body Corporate and to Empower the Council, inter alia to Determine Persons, What Standard of Knowledge and Skill to be Attained by such Persons; and for Related Matters 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 Environmental Managers Registration Council of Nigeria as a body Corporate and to empower the Council, *inter alia* to determine Persons, what Standard of Knowledge and skill to be attained by such persons; and for Related Matters, 2009 and approved Clauses 1 - 20, the First and Second Schedules and the Long Title of the Bill.

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

(iii) Joint Committee on Banking and Currency and Justice:

Motion made and Question proposed, "That this House do consider the Report of the Joint Committee on Banking and Currency and Justice on a Bill for an Act to Amend the Nigerian Deposit Insurance Corporation Act, 2005 and for Matters Connected Therewith, 2008 and approve the Recommendations therein" (Hon. Ogbuefi Ozomgbachi)

Question put and agreed to.

Question that the House do resolve into the Committee of Whole to consider the Report, put and agreed to.

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO AMEND THE NIGERIA DEPOSIT INSURANCE CORPORATION ACT, 2006
AND FOR MATTERS CONNECTED THEREWITH

Debate:

Chairman to report progress.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in the Committee of Whole considered the Report of the Joint Committee on Banking and Currency, and Justice on Bill for an Act to Amend the Nigerian Deposit Insurance Corporation Act, 2006 and for Matters Connected Therewith and deferred consideration till the next Legislative Day.

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, 14 October, 2009 at 2.00 p.m. (*Hon. Tunde Akogun*).

Adjourned accordingly at 2.20 p.m.

Usman Bayero Nafada
Deputy Speaker