



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Thursday, 22 October, 2009

1. The House met at 11.00 a.m. Mr Speaker read Prayers.
2. **Votes and Proceedings:**
Mr Speaker announced that he had examined and approved the Votes and Proceedings of Wednesday, 21 October, 2009.

By unanimous consent, the Votes and Proceedings was adopted.
3. **Announcements:**
 - (i) **Visitors:**
Mr Speaker recognized the presence in the Gallery, of Students of St Michael's Anglican Diocesan College, Kaduna.
 - (ii) **Committee Reports:**
Mr Speaker expressed dismay that some Committees were yet to report the Bills committed to them and advised the Chairmen of such Committees to expedite action and report the Bills within a week to avoid sanction.
 - (iii) **Conferees:**
Mr Speaker announced the inclusion of Hon. Jumoke Okoya Thomas among members of the Conference Committee on the Public Procurement Act (Amendment) Bill, 2009.
4. **Petitions:**
The following petitions were received and referred to the Committee on Public Petitions:
 - (i) Hon. Abdulkareem Saliu (*Okehi/Adavi Federal Constituency*), from L/CPL Jimoh Otuoze, praying the House to intervene in his alleged wrongful dismissal from the Nigerian Army with a view to re-instating him;
 - (ii) Hon. Emmanuel Yisa Orker Jev (*Buruku Federal Constituency*), from Michael Sugh, praying the House to intervene in his alleged unlawful dismissal from the Nigerian Army with a view to re-instating him.
5. **Presentation of Bills:**
 - (i) National Commission for Polytechnics Bill, 2009 — *Read the First Time.*
 - (ii) National Sugar Development Council (Amendment) Bill, 2009 — *Read the First Time.*
 - (iii) Teachers Registration Council of Nigeria (Amendment) Bill, 2009 — *Read the First Time.*
 - (iv) Public Infrastructure (Naming Regulation) Bill, 2009 — *Read the First Time.*
 - (v) Graduate Management School (Establishment, etc.) Bill, 2009 — *Read the First Time.*

(vi) Indigenes (Status Conferment) Bill, 2009 — *Read the First Time.*

(vii) National Emergency Management Agency (Establishment, etc.) (Amendment) Bill, 2009 — *Read the First Time.*

6. Presentation of Reports:

(i) Committee on Finance:

Motion made and Question proposed, "That this House do receive the Report on the Budget Implementation for the First and Second Quarter of 2009 from the Budget Office of the Federation, Federal Ministry of Finance pursuant to Section 30 of the Fiscal Responsibility Act, 2007" (*Hon. Tam Brisibe*).

Question put and agreed to.

Report laid.

(ii) African, Caribbean Pacific and European Union (ACP-EU) Delegation:

Motion made and Question proposed, "That this House do receive the Report of the African, Caribbean Pacific and European Union (ACP-EU) Delegation on the 17th Session of the African, Caribbean Pacific and European Union (ACP-EU) Joint Parliamentary Assembly held in Prague Czech Republic between 4th - 9th April, 2009" (*Hon. Aminu Waziri Tambuwal*).

Question put and agreed to.

Report laid.

(iii) Committee on Science and Technology:

Motion made and Question proposed, "That this House do receive the Report of the Committee of Science and Technology on a Bill for an Act to Provide for the Establishment of the Nigerian Council of Food Science and Technology and for Allied Professional Matters Connected Therewith, 2009" (*Hon. Abiodun Isiaq Akinlade*).

Question put and agreed to.

Report laid.

(iv) Committee on Drugs, Narcotics and Financial Crimes:

Report of the Committee on Drugs, Narcotics and Financial Crimes on the Petition by 71 disengaged staff of the National Law Enforcement Agency.

Order read, deferred.

7. State of the Nation:

Order read, deferred.

8. Proposed Cremation of 30 Dead Nigerians in China:

Motion made and Question proposed,

The House:

Notes the recent plan by the Chinese Government to cremate 30 Nigerians who died in Chinese prisons on the pretext that their relatives could not be traced;

Further notes that over 700 Nigerians are currently serving various jails terms in China;

Worried that by the various acts of degrading and inhuman treatments suffered by Nigerians in foreign countries especially China;

Aware that Africans, including Nigerians staged a peaceful protest in the city of Guangzhou condemning the dehumanizing treatment of Africans in China;

Appreciate the age long business and diplomatic relations between Nigeria and China;

Further aware that several Chinese citizens resident in Nigeria are given fair treatment.

Resolves to:

- (i) Condemn the act of cremation of Nigerians or citizens of other countries as inhuman and wicked;
- (ii) Mandate the Committee on Diaspora to visit China to ascertain the veracity or otherwise of this claim, and determine the problems facing Nigerians in Diaspora and report to the House within two weeks (*Hon. Austin Nwachukwu*).

Debate:

Question put and negatived.

9. A Bill for an Act to Amend the Provisions of the Constitution of the Federal Republic of Nigeria 1999 and for Other Matters Connected Therewith, 2009 — *Second Reading*.

Order read, deferred.

10. Consideration of Reports:

- (i) **Joint Committee on Petroleum Resources (Upstream) and Gas Resources:**
Motion made and Question proposed, "That this House do consider 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 Nigeria 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 and approve the Recommendations therein" (*Hon. Bassey Edet Otu*).

Question put and agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO PROVIDE FOR THE DEVELOPMENT OF NIGERIA 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

PART I — NIGERIAN CONTENT DEVELOPMENT IN OIL AND GAS INDUSTRY

Committee Recommendation:

Clause 1: Application of the Act.

Notwithstanding anything to the contrary contained in the Petroleum Act or in any other enactment or law, the provisions of this Bill shall apply to all matters pertaining to Nigerian content in respect of all operations or transactions carried out in or connected with the Nigerian oil and gas industry (*Hon. Bassey Edet Otu*) — *Agreed to.*

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

Committee Recommendation:

Clause 2: Nigerian Content as management philosophy for project execution.

All regulatory authorities, operators, contractors, subcontractors, alliance partners and other entities involved in any project, operation, activity or transaction in the Nigerian oil and gas industry shall consider Nigerian content as an important element of their overall project development and management philosophy for project execution (*Hon. Bassey Edet Otu*) — *Agreed to.*

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

Committee Recommendation:

Clause 3: First consideration in all operations and contracts.

- (1) Nigerian independent operators shall be given first consideration in the award of oil blocks, oil field licenses, oil lifting licenses and in all projects for which contract is to be awarded in the Nigerian oil and gas industry subject to the fulfilment of such conditions as may be specified by the Minister.

- (2) Notwithstanding the provisions of any other section of the Nigerian Content Bill, Laws, Acts and Decrees, there shall be exclusive consideration to Nigerian Indigenous service companies which demonstrate ownership of equipment, Nigerian personnel and capacity to execute such work to bid on land and swamp operating areas of the Nigerian Oil and Gas Industry for contracts and services contained in the attached schedule of services
- (3) Compliance with the provisions of this Bill and promotion of Nigerian content development shall be a major criterion for award of licenses, permits and any other interest in bidding for oil exploration, production transportation and development or any other operations in Nigerian oil and gas industry (*Hon. Bassey Edet Otu*).

Amendment Proposed:

In subclause (2), Line 1, *leave out* the words "Not withstanding the provisions of any other law" (*Hon. Aminu Waziri Tambuwal*).

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

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

Committee Recommendation:

Clause 4: Role of Nigerian Content Monitoring Board.

The Nigeria Content Development and Monitoring Board ("the "Board") established in accordance with this Bill shall make procedure guides and monitor, coordinate and implement the provisions of this Bill (*Hon. Bassey Edet Otu*) — *Agreed to.*

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

Committee Recommendation:

Clause 5: Promotion of measurable growth of Nigerian content.

The Board shall implement the provisions of this Bill with a view to ensuring a measurable and continuous growth in Nigerian content in all arrangements, projects, operations, activities and transactions in the Nigerian oil and gas industry (*Hon. Bassey Edet Otu*) — *Agreed to.*

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

Committee Recommendation:

Clause 6: Conformity of petroleum arrangements and other agreements.

Upon the commencement of this Bill, all subsequent oil and gas arrangements, agreements, contracts or memoranda of understanding relating to any operation or transaction in the Nigerian oil and gas industry shall be in conformity with the provisions of this Bill (*Hon. Bassey Edet Otu*) — *Agreed to.*

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

Committee Recommendation:

Clause 7: Submission of Nigerian content Plan for all projects.

In the bidding for any license, permit or interest and before carrying out any project in the Nigerian oil and gas industry, an operator shall submit a Nigerian Content Plan ("plan") to the Board demonstrating compliance with the Nigerian content requirements of this Bill (*Hon. Bassey Edet Otu*) — *Agreed to.*

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

Committee Recommendation:

Clause 8: Certificate of Authorization.

The Board shall review and assess the plan and if satisfied that the plan complies with the provisions of this Bill, issue a Certificate of Authorization (Certificate) to the operator for that project (*Hon. Bassey Edet Otu*) — *Agreed to.*

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

Committee Recommendation:**Clause 9: Public Review of plan.**

For purposes of reviewing or assessing the plan, the Board may conduct a public review in relation to the exercise of any of its functions under this Bill provided that any such review or assessment is completed and certificate issued or denied within 30 days from the date of commencement of such review or assessment (*Hon. Bassey Edet Otu*) — *Agreed to.*

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

Committee Recommendation:**Clause 10: Contents of operator's Nigerian Content Plan.**

- (1) A plan shall contain provisions intended to ensure that—
 - (a) first consideration shall be given to services provided from within Nigeria and to goods manufactured in Nigeria; and
 - (b) Nigerians shall be given first consideration for training and employment in the work programme for which the plan was submitted.
- (2) Any collective agreement entered into by the operator, project promoter or other body submitting the plan with any association of employees respecting terms and conditions of employment in the project shall contain provisions consistent with this section (*Hon. Bassey Edet Otu*) — *Agreed to.*

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

Committee Recommendation:**Clause 11: Minimum and specification of Nigerian content.**

- (1) As from the commencement of this Bill, the minimum Nigerian content in any offshore project to be executed in the Nigerian oil and gas industry shall be consistent with the level set in Schedule A to this Bill.
- (2) Where a project description is not specified in Schedule A to this Bill, the Board shall set the minimum content level for that project or project item pending the inclusion of the minimum content level for that project or project item through an amendment of Schedule A by the National Assembly.
- (3) All operators, alliance partners and contractors shall comply with the minimum Nigerian content for particular project item, service or product specification set out in Schedule A to this Bill
- (4) Notwithstanding the provisions of subsection (1) of this section, where there is inadequate capacity to any of the targets in schedule A, the Minister may authorize the continued importation of the relevant items. However, such approval by the Minister shall not exceed 3 years from the commencement of this Bill. (*Hon. Bassey Edet Otu*) — *Agreed to.*

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

Committee Recommendation:**Clause 12: First consideration for Nigerian goods and services.**

Subject to section 7 of this Bill, the Nigerian Content Plan submitted to the Board by an operator shall contain a detailed plan, satisfactory to the Board, setting out how the operator and their contractors will give "first consideration" to Nigerian goods and services, including specific examples showing how "first consideration" is considered and assessed by the operator in its evaluation of bids for goods and services required by the project (*Hon. Bassey Edet Otu*) — *Agreed to.*

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

Committee Recommendation:**Clause 13: Contents of Operator's Nigerian Content Plan.**

The Nigerian content plan submitted to the Board by any operator or alliance partner shall contain detailed plan on how the operator or its alliance partner intend to ensure the use of locally manufactured goods where such goods meet the specifications of the industry (*Hon. Bassey Edet Otu*) — *Agreed to.*

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

Committee Recommendation:

Clause 14: Nigerian content in bid evaluation.

All operators and Project Promoters shall consider Nigerian content when evaluating any bid; where bids are within 10% of each other at commercial stage, otherwise equal, the bid containing the highest level of Nigerian content shall be selected provided the Nigerian content in the selected bid is at least 5% higher than its closest competitor (*Hon. Bassey Edet Otu*) — Agreed to.

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

Committee Recommendation:

Clause 15: Full and fair opportunity for Nigerians.

All operators and alliance partners shall maintain a bidding process for acquiring goods and services which shall give full and fair opportunity to Nigerian indigenous contractors and companies (*Hon. Bassey Edet Otu*).

Leave out the provision in Clause 15, put and agreed to.

Committee Recommendation:

Clause 16: Principle of bid evaluation.

The award of contract shall not be solely based on the principle of the lowest bidder; where a Nigerian indigenous company has capacity to execute such job, the company shall not be disqualified exclusively on the basis that it is the lowest financial bidder, provided the value does not exceed the lowest bid price by more than 10% and the Nigerian Content value in the bid meets the minimum requirement set by the Board (*Hon. Bassey Edet Otu*).

Amendments Proposed:

- (i) In line 3, immediately after the word "basis", *leave out* all the other words and *insert* the word "pricing" instead thereof (*Hon. Mohammed Ali Ndume*).

Question that the amendment be made, put and negatived.

- (ii) In line 4, *leave out* the words and figure "ten percent (10%)" and *insert* the words and figure "five percent (5%)" instead thereof (*Hon. Leo Ogor*).

Question that the amendment be made, put and negatived.

- (iii) Retain the provision of the original Bill (*Hon. Ike Chinwo*).

Question that the amendment be made, put and agreed to

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

Committee Recommendation:

Clause 17: List of Contracts to be submitted to the Board.

- (1) For all proposed projects, contracts and subcontracts, the operator or Project Promoter shall provide to the Board for approval, advertisements, pre-qualification criteria, technical bid documents, technical evaluation criteria and the proposed bidders lists
- (2) The operator or Project Promoter shall submit sufficient information with the notifications to enable the Board assess the subject matter and to be satisfied that the requirements for Nigerian content have been complied with by the operator or Project Promoter (*Hon. Bassey Edet Otu*) — Agreed to.

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

Committee Recommendation:

Clause 18: Submission of job forecasts etc, to Board.

- (1) The operators shall submit to the Board, 30 days prior to the first day of each quarter, a list of all contracts, subcontracts, purchase orders, which will be tendered or executed in the upcoming quarter.

- (2) For each contract, subcontract and purchase order, the list should provide—
- (a) a description of the service(s)/item(s) to be contracted/purchased (material and equipment specifications shall be provided upon request)
 - (b) estimated value of contract, subcontract or purchase order;
 - (c) the Invitation to Tender (ITT) issuance date, (ITT) closure date and award date; and
 - (d) any other information requested by the Board for purposes of implementing the provisions of this Bill (*Hon. Bassey Edet Otu*) — *Agreed to.*

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

Committee Recommendation:

Clause 19: Designation of contract for review.

Subject to Section 17 of this Bill, the Board shall advise the operator, by the first day of each quarter, which contracts and sub-contracts have been designated by the Board for review and shall advise the operator of the outcome of such contract review (*Hon. Bassey Edet Otu*) — *Agreed to.*

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

Committee Recommendation:

Clause 20: Document to be Submitted to the Board during Pre-qualification stage.

Prior to issuing of adverts or pre-qualification notification to prospective bidders, the operator or the project promoter shall submit to the Board the following for review and approval—

- (a) a description of the scope of work;
- (b) a copy of the pre-qualification notification, if these documents differ from the standard pre-qualification notification previously reviewed by the Board;
- (c) a list of companies, indicating locations of head offices, to whom questionnaires will be issued; and
- (d) anticipated dates for closure of prequalification and commencement of technical evaluation, issuance of an Invitation to Tender (ITT) (*Hon. Bassey Edet Otu*) — *Agreed to.*

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

Committee Recommendation:

Clause 21: Document to be submitted to Board during bidders list stage.

For purposes of compiling a bidding list for any project, the operator, project promoter or alliance partner shall submit to the Board, prior to issuing an Invitation to Tender (ITT) —

- (a) list of bidders;
- (b) a copy of the Invitation to Tender (ITT) (the Board will advise the operator of its requirements in this regard on a case by case basis);
- (c) a description of corporate ownership (main shareholders by percentage) of bidders;
- (d) location(s) of any Nigerian based office, plant or facility;
- (e) anticipated dates for closure of bids and award of contract or purchase order; and
- (f) any other information requested by the Board (*Hon. Bassey Edet Otu*) — *Agreed to.*

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

Committee Recommendation:**Clause 22: Document to be submitted to the Board during award stage.**

Prior to the award of contract, subcontract or purchase order to the selected bidder, the operator shall submit to the Board the following—

- (a) the name of the selected contractor or vendor;
- (b) a list of designated sub-contractors or sub-vendors;
- (c) where applicable, a list of proposed sub-suppliers;
- (d) for construction or service contracts; the estimated Nigerian employment (in person-hours);
- (e) contract/purchase order commencement and completion dates;
- (f) Award Notification Form signed by an appropriate official of the operator;
- (g) statement of award rationale (evaluation of bids) showing:
- (i) percentage difference in price between selected bidder and each bid;
- (ii) primary location(s) of work associated with each bidder;
- (iii) estimates of Nigerian content associated with the bid of each bidder calculated in accordance with the definition of Nigerian content to be provided by the Board; and
- (iv) other information relevant to the evaluation of bidders including where applicable, a summary of the technical, commercial and Nigerian content aspects of the bid evaluations (*Hon. Bassey Edet Otu*) — *Agreed to*.

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

Committee Recommendation:**Clause 23: Designation and review of contracts.**

Upon assessment of the documentation received in compliance with section 19 of this Bill, the Board will advise the operator, within 10 days, which contracts, subcontracts and purchase orders have been designated by the Board for review, and the designated contracts, subcontracts and purchase orders shall be reviewed to the satisfaction of the Board (*Hon. Bassey Edet Otu*) — *Agreed to*.

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

Committee Recommendation:**Clause 24: Quarterly Procurement Report.**

The operator or project promoter shall submit to the Board, within thirty (30) days of the end of each quarter, a list of all contracts, subcontracts and purchase orders awarded in the previous quarter. This list should provide—

- (a) a list of all items and services;
- (b) value of contract/purchase order;
- (c) name of successful contractor/vendor;
- (d) primary location of work;
- (e) estimates of Nigerian content;
- (f) commencement and completion date; and
- (g) any other information required by the Board for purposes of implementing the provisions of this Bill (*Hon. Bassey Edet Otu*) — *Agreed to*.

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

Committee Recommendation:**Clause 25: Establishment of Local Office.**

Where applicable, before carrying out any work or activity in Nigeria, the operator or other body submitting a plan shall establish in the Catchment Area where the project is to be located, a project office where project management and procurement decision making are to take place, to the satisfaction of the Board (*Hon. Bassey Edet Otu*) — *Agreed to.*

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

Committee Recommendation:**Clause 26: Personnel for local office.**

The operator or project promoter shall locate within the project office, personnel with decision-making authority in accordance with a list of personnel to be approved by the Board (*Hon. Bassey Edet Otu*).

Amendment Proposed:

Leave out all the words in the Clause (Hon. Bassey Edet Otu).

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

Committee Recommendation:**Clause 27: Office in community of operation.**

Subject to section 25 of this Bill, the Board shall have powers to require any operator to maintain office(s) in a Community where the operator has significant operations (*Hon. Bassey Edet Otu*) — *Agreed to.*

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

Committee Recommendation:**Clause 28: First consideration for employment and training.**

- (1) Subject to section 10, subsection (b) of this Bill, Nigerians shall be given the first consideration for employment and training in any project executed by any operator, project promoter in the Nigerian oil and gas industry.
- (2) The board shall have powers to ensure that operator or project promoter maintains a reasonable number of personnel from areas it has significant operation (*Hon. Bassey Edet Otu*).

Amendments Proposed:

- (i) *Leave out all the words in subclause (2) (Hon. Aminu Waziri Tambuwal).*

Question that the amendment be made, put and negatived.

- (ii) In subclause (2), line 2, *leave out* the word "reasonable" and *insert* the words "at least 50%" instead thereof (*Hon. Ita Enang*).

Question that the amendment be made, put and negatived.

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

Committee Recommendation:**Clause 29: Submission of Employment and Training Plan.**

The Plan submitted by any operator or project promoter for any project shall contain an Employment and Training Plan (E&T Plan). The E&T Plan shall include —

- (a) an outline of the hiring and training needs of the operator or project promoter and operators major contractors with a breakdown of the skills needed, anticipated skill shortages in the Nigerian labour force, project specific training requirements, and the anticipated expenditures that will be made directly by the operator in implementing the E&T Plan as a forecasted and actual expenditures;
- (b) a time frame for employment opportunities for each phase of project development and operations, to enable members of the Nigerian workforce to prepare themselves for such opportunities;

- (c) the operator or project promoter shall report to the Board quarterly on employment and training activities for the reporting period and compare this to the E&T Plan. The quarterly report shall include number of new employees hired during the year and their place of residence at the time of hiring and their employment status; and
- (d) any other information required by the Board for purposes of implementing the provisions of this Bill (*Hon. Bassey Edet Otu*) — *Agreed to*.

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

Committee Recommendation:

Clause 30: Training of Nigerians.

Where Nigerians are not employed because of their lack of training, the operator shall ensure, to the satisfaction of the Board that every reasonable effort is made within a reasonable time to supply such training locally or elsewhere. Such effort and the procedure for its execution shall be contained in the operator's E & T Plan (*Hon. Bassey Edet Otu*) — *Agreed to*.

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

Committee Recommendation:

Clause 31: Requirement for succession plan and Nigerianisation.

- (1) For each of its operations, the operator shall submit to Board a succession plan for any position not held by Nigerians. Such succession plan shall provide for Nigerians to understudy each incumbent expatriate for a maximum period of four years. At the end of the four year period the position shall become Nigerianised.
- (2) All Nigerianised positions shall attract salaries, wages and benefits as provided for in the operators' conditions of service for Nigerian employees.
- (3) All conditions of service and staff demography for all operators shall be made available to the Board (*Hon. Bassey Edet Otu*) — *Agreed to*.

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

Committee Recommendation:

Clause 32: Allowance for expatriates positions.

For each of its operations, an operator or Project Promoter may retain a maximum of five per cent of management positions as may be approved by the Board as expatriate positions to take care of investor interests (*Hon. Bassey Edet Otu*) — *Agreed to*.

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

Committee Recommendation:

Clause 33: Approval of Board for application for expatriates.

- (1) Upon the commencement of this Bill, operators and project promoters are to forward all request/application for expatriate quota and the justification to the Board for endorsement to the Ministry of Internal Affairs or any other agency or ministry of the Federal Government for approval.
- (2) All operators and project promoters are required to submit their staff returns on quarterly basis to the Board with indications of the names, qualification, age, designation and length of stay of each expatriate in the country (*Hon. Bassey Edet Otu*) — *Agreed to*.

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

Committee Recommendation:

Clause 34: Requirement for Labour Clause.

Notwithstanding the provisions of the Schedule to this Bill, all projects or contracts whose total budget exceeds \$100 million (USD) shall contain a "Labour Clause" mandating the use of a minimum percentage of Nigerian labour in specific cadres as may be stipulated by the Board (*Hon. Bassey Edet Otu*) — *Agreed to*.

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

Committee Recommendation:**Clause 35: Compliance with Nigerianisation.**

All operators and companies operating in the Nigeria oil and gas industry shall employ only Nigerians in their junior and intermediate cadre or any other corresponding grades designated by the operator or company (*Hon. Bassey Edet Otu*) — *Agreed to.*

Question that Clause 35 stand part of the Bill, put and agreed to.

Committee Recommendation:**Clause 36: Research and Development Regulations.**

The Minister shall make Regulations with requirements and targets for the growth of Research and Development in the Nigerian oil and gas industry (*Hon. Bassey Edet Otu*) — *Agreed to.*

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

Committee Recommendation:**Clause 37: Programme for Research and Development.**

For every project for which a Plan is submitted, an operator shall carry out a programme and make expenditure, to the satisfaction of the Board, for the promotion of education, attachments, training and research and development in Nigeria in relation to its work programme and activities (*Hon. Bassey Edet Otu*) — *Agreed to.*

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

Committee Recommendation:**Clause 38: Submission and content of R & D Plan.**

- (1) The operator shall submit to the Board and update, every six months, the operator's Research and Development Plan (R&D Plan).
- (2) The R & D Plan shall—
 - (a) outline a revolving three to five year plan for oil and gas related research and development initiatives to be undertaken in Nigeria, together with a breakdown of the expected expenditures that will be made in implementing the R&D Plan; and
 - (b) provide for public calls for proposals for research and development initiatives associated with the operator's activities (*Hon. Bassey Edet Otu*) — *Agreed to.*

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

Committee Recommendation:**Clause 39: Report on R & D.**

The operator shall report to the Board, on quarterly basis, with respect to its R&D activities and the Board shall compare these activities to the operators R&D Plan (*Hon. Bassey Edet Otu*) — *Agreed to.*

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

Committee Recommendation:**Clause 40: Regulations for training at PTI.**

- (1) The Minister shall make regulations establishing the minimum standards, facilities, personnel and technology for training in the oil and gas industry.
- (2) The Regulations shall specify modalities for involving operators as partners in training and development (*Hon. Bassey Edet Otu*) — *Agreed to.*

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

Committee Recommendation:**Clause 41: Regulations to further growth of indigenous capacity.**

- (1) The Minister shall make regulations setting out targets to ensure full utilization and steady growth of indigenous companies engaged in exploration, seismic data processing, engineering design, reservoir studies, manufacturing and fabrication of equipment and other facilities as well as the provisions of other support services for the Nigeria oil and gas industry.
- (2) International/multinational companies working through their Nigerian subsidiaries must demonstrate that a minimum of 50% of the equipment deployed for execution of work are owned by the Nigerian subsidiaries (*Hon. Bassey Edet Otu*) — *Agreed to.*

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

Committee Recommendation:**Clause 42: Regulations for registration with Nigerian professional bodies.**

The Minister shall make regulations which shall require any operator or company or its professional employees engaged in provision of engineering or other professional services in the Nigerian oil and gas industry to be registered with the relevant professional bodies in Nigeria (*Hon. Bassey Edet Otu*) — *Agreed to.*

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

Committee Recommendation:**Clause 43: Programme for Technology transfer plan.**

Each operator shall carry out a programme in accordance with the country's own plans and priorities, to the satisfaction of the Board, for the promotion of technology transfer to Nigeria in relation to its oil and gas activities (*Hon. Bassey Edet Otu*) — *Agreed to.*

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

Committee Recommendation:**Clause 44: Submission of technology transfer plan.**

The operator shall submit to the Board annually a plan, satisfactory to the Board, setting out a programme of planned initiatives aimed at promoting the effective transfer of technologies from the operator and alliance partners to Nigerian individuals and companies (*Hon. Bassey Edet Otu*) — *Agreed to.*

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

Committee Recommendation:**Clause 45: Support of technology transfer.**

The operator shall give full and effective support to technology transfer by encouraging and facilitating the formation of joint ventures, partnering and the development of licensing agreements between Nigerian and foreign contractors and service or supplier companies. Agreements for all such joint ventures/ Alliances must meet the requirements of Nigerian Content development to the satisfaction of the Board (*Hon. Bassey Edet Otu*) — *Agreed to.*

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

Committee Recommendation:**Clause 46: Technology Transfer Report.**

The operator or Project Promoter shall submit a report to the Board annually describing its technology transfer initiatives and their results. The Minister shall make regulations setting targets on the number and type of such Joint ventures/alliances to be achieved for each project (*Hon. Bassey Edet Otu*) — *Agreed to.*

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

Committee Recommendation:**Clause 47: Regulations to establish operations in Nigeria.**

The Minister shall make regulations which shall require any operator to invest in or set up a facility, factory, production units or other operations within Nigeria for purposes of carrying out any production, manufacturing or for providing any services otherwise imported into Nigeria (*Hon. Bassey Edet Otu*) — *Agreed to.*

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

Committee Recommendation:**Clause 48: Fiscal incentives.**

The Minister shall consult with the relevant arms of Government on appropriate fiscal framework and tax incentives for foreign and indigenous companies which establish facilities, factories, production units or other operations in Nigeria for purposes of carrying out production, manufacturing or for providing any services and goods otherwise imported into Nigeria (*Hon. Bassey Edet Otu*) — *Agreed to.*

Question that Clause 48 stand part of the Bill, put and agreed to.

Committee Recommendation:**Clause 49: Insurance and reinsurance business.**

- (1) All operators, project promoters, alliance partners and Nigerian indigenous companies engaged in any form of business, operations, or contract in the Nigeria oil and gas industry, shall insure all insurable risks related to its oil and gas business, operations or contracts with an insurance company(s), through an insurance broker registered in Nigeria under the provisions of insurance Act, 2003 as amended. Provided that:
- (2) Each operator in the subsection (1) above shall submit to the Board, every six months its insurance programme.
- (3) The insurance programme shall include:
 - (a) Comprehensive report of insurance covers obtained in the past six months, by expenditure and a forecast of insurance covers required during the next six months and the projected expenditure for the covers;
 - (b) A list of all insurance companies and insurance broker through which insurance covers were obtained in the past six months, the class of insurance cover obtained and the expenditures made by the operator;
 - (c) the annual insurance premium budget for the past one year in Naira and foreign currencies (*Hon. Bassey Edet Otu*) — *Agreed to.*

Question that Clause 49 stand part of the Bill, put and agreed to.

Committee Recommendation:**Clause 50: National insurance Commission approval for offshore insurance.**

No insurance risk in the Nigerian oil and gas industry shall be placed offshore without the written approval of the National Insurance Commission which shall ensure that Nigerian local capacity has been fully exhausted (*Hon. Bassey Edet Otu*) — *Agreed to.*

Question that Clause 50 stand part of the Bill, put and agreed to.

Committee Recommendation:**Clause 51: Legal Services.**

- (1) All operators, contractors and other entities engaged in any operation, business or transaction in the Nigerian oil and gas industry requiring legal services shall retain only the services of a Nigerian legal practitioner or a firm(s) of Nigerian legal practitioners whose office is located in any part of Nigeria except where to the satisfaction of the Board this is impracticable.
- (2) All operators shall submit to the Board, every six months, its Legal Services Plan (LSP).

- (3) The LSP shall include—
- (a) comprehensive report on legal services utilized in the past six months by expenditure and a forecast of legal services required during the next six months and the projected expenditure for the services;
 - (b) a list of external solicitors utilized for legal services in the past six months, the nature of work done and the expenditure made by the operator;
 - (c) the annual legal services budget for the past one year in Naira and foreign currencies (*Hon. Bassey Edet Otu*).

Amendment Proposed:

In subclause (1), line 4, immediately after the word "Nigeria", *leave out* the words, "except where to the satisfaction of the Board, this is impracticable" (*Hon. Ike Chinwo*).

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

Question that Clause 51 as amended, stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 52: Financial Services.

- (1) All operators, contractors and any other entity engaged in any operation, business or transaction in the Nigerian oil and gas industry requiring financial services shall retain only the services of Nigerian financial institutions or organizations, except where to the satisfaction of the Board this is impracticable.
- (2) All operators shall submit to the Board every six months its Financial Services Plan (FSP).
- (3) The FSP shall include—
 - (a) financial services utilized in the past six months by expenditure and a forecast of financial services required during the next six months and the projected expenditure for the services;
 - (b) a list of financial services utilized in the past six months, the nature of financial services provided and the expenditure for financial services;
 - (c) a list of financial services utilized in the past six months, the nature of financial services provided and the expenditure for financial services made by the operator or its main contractors;
 - (d) all operators, contractors and sub-contractors shall maintain bank account(s) in Nigeria in which it shall retain a minimum of 10 per cent of its total revenue accruing from its Nigerian operations (*Hon. Bassey Edet Otu*).

Amendment Proposed:

Leave out all the words in subclause (3) (d) (*Hon. Bassey Edet Otu*).

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

Question that Clause 52 as amended, stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 53: Prohibition of importation of welded products.

As from the commencement of this Bill, all operators, project promoters, contractors and any other entity engaged in the Nigerian oil and gas industry shall carry out all fabrication and welding activities in-country. Also all welding activities, (NDT, Mechanical Tests, PWHT of Welded components) Certification of Welding personnel, procedure qualification and specifications, must be carried out in Nigeria by Nigerian Institute of Welding (NIW). Nigerian Institute of Welding is to work in collaboration with an Authorised National Body of the International Authorisation Board (IAB) to provide these services until it attains full ANB status in Nigeria from IAB (*Hon. Bassey Edet Otu*).

Amendments Proposed:

- (i) In line 3, immediately after word, “in-country” *leave out* all other words (*Hon. Igo Aguma*).

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

- (ii) In line 1 of the original Bill, immediately after the word “operators”, *insert* the words “project promoters” (*Hon. Igo Aguma*).

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

Question that Clause 53 as amended, stand part of the Bill, put and agreed to.

Committee Recommendation:**Clause 54: Petroleum e-marketplace.**

The Board shall have access to e-marketplace operated by NipeX which shall perform the following functions—

- (a) provide a virtual platform to facilitate the transactions required for efficient delivery of goods and services in the industry;
- (b) Provide functional interface with the Joint Qualification System and provide a universal and transparent governance structure drawn from industry stakeholder.
- (c) Perform all other functions, roles and responsibilities to be set out in the Regulation to be made by the Minister in accordance with the provisions of this Bill.
- (d) Tracking and monitoring of Nigerian Content performance of operators, project promoters as well as suppliers and service providers with provision of relevant feedback (*Hon. Bassey Edet Otu*).

Amendment Proposed:

In Clause 54, Retain the provision of the original Bill (*Hon. Rufus Omeire*).

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

Question that Clause 54 as amended, stand part of the Bill, put and agreed to.

Committee Recommendation:**Clause 55: Establishment of JQS.**

The Board shall establish, maintain and operate a Joint Qualification System (JQS) in consultation with industry stakeholders which shall be administered in accordance with provisions set out in the Regulations to be made by the Minister in accordance with the provisions of this Bill (*Hon. Bassey Edet Otu*) — *Agreed to.*

Question that Clause 55 stand part of the Bill, put and agreed to.

Committee Recommendation:**Clause 56: Functions of the JQS.**

The JQS shall constitute an industry databank of available capabilities and shall be used for the following functions—

- (a) sole system for Nigerian content registration and pre-qualification of contractors in the industry;
- (b) verification of contractors' capacities and capabilities;
- (c) evaluation of application of Nigerian content in the operations of oil companies and contractors;
- (d) Data base for National Skills Development Pool.
- (e) ranking and categorization old service companies based on capabilities and Nigerian content (*Hon. Bassey Edet Otu*) — *Agreed to.*

Question that Clause 56 stand part of the Bill, put and agreed to.

Committee Recommendation:**Clause 57: Setting up of NCCF.**

The Board shall set up a consultative body to be known as the Nigerian Content Consultative Forum (NCCF) which shall provide a platform for information sharing and collaboration in the Nigerian oil and gas industry with respect to—

- (a) upcoming projects in the oil and gas industry;
- (b) information on available local capabilities;
- (c) other policy proposals that may be relevant to Nigerian content development (*Hon. Bassey Edet Otu*) — *Agreed to.*

Question that Clause 57 stand part of the Bill, put and agreed to.

Committee Recommendation:**Clause 58: Composition of NCCF.**

The NCCF shall be made up of key industry stakeholders, government and regulatory agencies and representatives from the following sectors—

- (a) fabrication;
- (b) engineering;
- (c) Finance, Legal and insurance
- (d) shipping and Logistics;
- (e) materials and Manufacturing; and
- (f) Information and Communication Technology
- (g) Petroleum Technology Association of Nigeria.
- (h) Education and Training
- (i) Any other professional services nominated by the Board (*Hon. Bassey Edet Otu*) — *Agreed to.*

Question that Clause 58 stand part of the Bill, put and agreed to.

Committee Recommendation:**Clause 59: Powers of NCMB to monitor implementation of Act.**

The NCMB shall undertake effective and full compliance monitoring of the implementation of the provisions of this Bill (*Hon. Bassey Edet Otu*) — *Agreed to.*

Question that Clause 59 stand part of the Bill, put and agreed to.

Committee Recommendation:**Clause 60: Requirements of submission of Nigeria content performance report.**

Within sixty days of the beginning of each year, each operator shall submit to the Board their annual Nigerian Content Performance Report covering all its projects and activities for the year under review (*Hon. Bassey Edet Otu*) — *Agreed to.*

Question that Clause 60 stand part of the Bill, put and agreed to.

Committee Recommendation:**Clause 61: Content of Nigeria content performance report.**

Subject to section 60, the report shall specify by category of expenditure the Nigerian content on both a current and cumulative cost basis and shall—

- (1) Set out employment achievement in terms of hours or days worked by Nigerian and foreign workers and their status.

- (2) Set out procurement achievement in terms of quantity, tonnage of locally manufactured materials as well as materials of foreign origin (*Hon. Bassey Edet Otu*) — *Agreed to.*

Question that Clause 61 stand part of the Bill, put and agreed to.

Committee Recommendation:

- Clause 62:** **Assessment and verification of Nigeria content performance report.**
The Board shall undertake regular assessment and verification of the Nigerian Content Performance Report filed by all operators in compliance with the provisions of this Bill as may be considered appropriate by the Board (*Hon. Bassey Edet Otu*) — *Agreed to.*

Question that Clause 62 stand part of the Bill, put and agreed to.

Committee Recommendation:

- Clause 63:** **Directives to facilitate reporting.**
The Board shall issue directives to operators, contractors and other entities or persons in order to develop a process to facilitate reporting of activities relating to any aspect of this Bill (*Hon. Bassey Edet Otu*) — *Agreed to.*

Question that Clause 63 stand part of the Bill, put and agreed to.

Committee Recommendation:

- Clause 64:** **Access to facilities for assessment and verification purposes.**
For purposes of assessment and verification, all operators and contractors shall provide the Board or its designated agent with access to their facilities and all documentation and information required for substantiating the Nigerian content reported (*Hon. Bassey Edet Otu*) — *Agreed to.*

Question that Clause 64 stand part of the Bill, put and agreed to.

Committee Recommendation:

- Clause 65:** **Requirements for third party access and reporting.**
The operator shall ensure that its partners, contractors and subcontractors are contractually bound to report Nigerian content information to the operator and, if so requested by the Board, directly to the Board, and to allow the Board or its designated agent access to their records for purposes of assessment and verification of Nigeria content information reported to the operator or the Board (*Hon. Bassey Edet Otu*) — *Agreed to.*

Question that Clause 65 stand part of the Bill, put and agreed to.

Committee Recommendation:

- Clause 66:** **Responsibility to communicate Nigerian content policies to contractors.**
It shall be the responsibility of operators to effectively communicate its Nigerian content policies and procedures to its contractors and subcontractors and to monitor and enforce their compliance (*Hon. Bassey Edet Otu*) — *Agreed to.*

Question that Clause 66 stand part of the Bill, put and agreed to.

Committee Recommendation:

- Clause 67:** **Responsibility of Board for enlightenment on Nigerian content.**
The Board shall conduct workshops, conferences, seminars, symposia and any other public forum considered as appropriate for the benefit of operators, contractors, the public and other stake holders to enhance the implementation of the provisions of this Bill (*Hon. Bassey Edet Otu*) — *Agreed to.*

Question that Clause 67 stand part of the Bill, put and agreed to.

Committee Recommendation:**Clause 68: Offences and penalties.**

An operator, contractor or subcontractor who carries out any project contrary to the provisions of this Bill, commits an offence and is liable upon conviction to a fine of five per cent of the project sum for each project in which the offence is committed or cancellation of the project (*Hon. Bassey Edet Otu*) — *Agreed to.*

Question that Clause 68 stand part of the Bill, put and agreed to.

PART II — ESTABLISHMENT OF THE NIGERIAN CONTENT MONITORING BOARD

Committee Recommendation:**Clause 69: Establishment of the Nigerian Content Monitoring Board.**

- (1) There is hereby established a body to be known as the Nigerian Content Monitoring Board (in this Bill referred to as "the Board") which shall have the functions and powers conferred on it by this Bill.
- (2) The Board shall be a body corporate with perpetual succession and a common seal and shall have powers to sue and be sued (*Hon. Bassey Edet Otu*) — *Agreed to.*

Question that Clause 69 stand part of the Bill, put and agreed to.

Committee Recommendation:**Clause 70: Functions of the Board.**

The functions of the Board shall be to—

- (a) implement the provisions of this Bill;
- (b) implement the Regulations made by the Minister in relation to any aspect of this Bill;
- (c) supervise, coordinate, administer, monitor and manage the development of Nigerian content in the Nigerian oil and gas industry;
- (d) supervise, coordinate, administer and monitor the implementation and development of Nigerian content as specified in Schedule A to this Bill in the operations of operators, contractors and all other entities in the Nigerian oil and gas industry;
- (e) appraise, evaluate and approve the Nigerian content plans and reports submitted to the Board in compliance with the provisions of this Bill;
- (f) award Certificate of Authorization and conduct reviews of the Nigerian content plans and reports submitted to the Board in compliance with the provisions of this Bill;
- (g) to administer and operate the Joint Qualification System set up in accordance with the provisions of this Bill and monitor the e-market place operated by Nipex to ensure compliance with the Nigerian Content requirement.
- (h) assist local contractors and Nigerian companies to develop their capabilities and capacities to further the attainment of the goal of developing Nigerian content in the Nigerian oil and gas industry;
- (i) make procedure guides for the implementation of this Bill and ensure compliance with all the provisions of this Bill;
- (j) monitor and coordinate the Nigerian content performance of all operators in accordance with the provisions of this Bill;
- (k) make auditing procedures and conduct regular audits for purposes of monitoring and implementing compliances with the provisions of this Bill;
- (l) provide guidelines, definitions and measurement of Nigerian content and Nigerian content indicator to be utilized throughout the industry;

- (m) conduct studies, researches and investigations that may further the attainment of the goal of developing Nigerian content in the Nigerian oil and gas industry;
- (n) organize conferences, workshops, seminars, symposia, trainings, road shows and other public education fora to further the attainment of the goal of developing Nigerian content in the Nigerian oil and gas industry;
- (o) delegate any of its functions to any agents or operatives appointed by the Council; and
- (p) do legally anything necessary to be done to facilitate the carrying out of its functions (*Hon. Bassey Edet Otu*).

Amendment Proposed:

In paragraph (g), retain the provisions of the original Bill (*Hon. Igo Aguma*).

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

Question that Clause 70 as amended, stand part of the Bill, put and agreed to.

Committee Recommendation:**Clause 71: Establishment of the Governing Council of the Board.**

- (1) There is established an executive body known as the Governing Council (in this Bill referred to as the "Council") for the Board which shall conduct the Affairs of the Board.
- (2) The head office of the Council and the Board shall be located in any of the oil or gas producing state of the Federation.
- (3) The Council may establish branch offices of the Board in any gas or oil producing state of the Federation (*Hon. Bassey Edet Otu*) — *Agreed to.*

Question that Clause 71 stand part of the Bill, put and agreed to.

Committee Recommendation:**Clause 72: Composition of the Council.**

The Council shall consist of the following members—

- (a) a chairman who shall be the Minister of Petroleum Resources;
- (b) a representative of the Nigerian National Petroleum Corporation (NNPC);
- (c) a representative of the Agency in charge of Technical regulation of the industry
- (d) a representative of the Ministry of Petroleum Resources;
- (e) a representative of the Agency in charge of Commercial regulation of the Industry
- (f) a representative of the Nigerian Content Consultative Forum (NCCF);
- (g) a representative of the Council of Registered Engineers of Nigeria (COREN);
- (h) a representative of National Insurance Commission;
- (i) Executive Secretary who shall be the Secretary of the Council;
- (j) A Representative of PETAN (Petroleum Technology Association of Nigeria);
- (k) A Representative of Council of Nigeria Mining Engineers and Geo-Sciences (COMEG);
- (l) a Representative of Standards Organization of Nigeria (SON);

- (m) a Representative of the oil and gas producing companies (*Hon. Bassey Edet Otu*) — Agreed to.

Question that Clause 72 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 73: Appointment.

The Chairman and members of the council shall be appointed by the President and shall be persons of proven integrity and ability (*Hon. Bassey Edet Otu*) — Agreed to.

Question that Clause 73 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 74: Membership of the Council.

Membership of the Council shall be on part time status (*Hon. Bassey Edet Otu*) — Agreed to.

Question that Clause 74 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 75: Status of appointment of Executive Secretary.

The Executive Secretary shall be on full time status (*Hon. Bassey Edet Otu*) — Agreed to.

Question that Clause 75 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 76: Powers of the Council.

The Council shall have power to—

- (i) manage and superintend the affairs of the Board;
- (ii) make rules and regulations for the proper functioning of the Board;
- (iii) employ and pay the staff of the Board appropriate remuneration commensurate in scale with that of staff in organizations of similar stature; and
- (iv) enter into any negotiation, agreement and contractual relationship such as may be necessary or expedient for the discharge of the functions of the Board (*Hon. Bassey Edet Otu*) — Agreed to.

Question that Clause 76 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 77: Tenure of office.

Subject to the provisions of Section 78 of this Bill, the Chairman and members of the Council shall each hold office—

- (i) for a term of four (4) years and may be re-appointed for a further term of four years and no more; and
- (ii) on such terms and conditions as may be specified in his letter of appointment (*Hon. Bassey Edet Otu*) — Agreed to.

Question that Clause 77 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 78: Cessation of Membership of Council.

A person shall cease to hold office as a member of the Council in the occurrence of any of the following—

- (a) he dies;
- (b) he becomes bankrupt;
- (c) he is convicted of a felony or any offence involving dishonesty or fraud;

- (d) he becomes of unsound mind or is incapable for any reason of carrying out his duties;
- (e) he is guilty of a serious misconduct in relation to his duties;
- (f) in the case of a person possessed of a professional qualification, he is disqualified or suspended, other than at his own request, from practicing his profession in any part of the world by an order of a competent authority made in respect of that member; or
- (g) he resigns his appointment by written notice under his hand to the President (*Hon. Bassey Edet Otu*) — *Agreed to.*

Question that Clause 78 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 79: Replacement of membership.

Where a member ceases to hold office for any reason before the expiration of his term, another person representing the same interest as that member shall be appointed in his place to finish the unexpired residue of the term (*Hon. Bassey Edet Otu*) — *Agreed to.*

Question that Clause 79 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 80: Removal of Member.

The President may remove a member if he is satisfied that it is not in the interest of the Board or the public that the member continues in office (*Hon. Bassey Edet Otu*) — *Agreed to.*

Question that Clause 80 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 81: Remuneration of the members.

A member of the council shall be paid such allowances and expenses as may be determined by Revenue Mobilization, Allocation and Fiscal Commission using the scale applicable in Nigeria oil and gas Industry (*Hon. Bassey Edet Otu*).

Amendment Proposed:

Leave out all the words in the Clause (Hon. Ita Enang).

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

Committee Recommendation:

Clause 82: Executive Secretary.

There shall be an Executive Secretary for the Board, who shall be appointed by the President (*Hon. Bassey Edet Otu*) — *Agreed to.*

Question that Clause 82 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 83: Functions of the Executive Secretary.

The Executive Secretary shall be—

- (a) the Chief Executive and accounting officer of the Board;
- (b) responsible to the Council for the execution of the policies and the administration of the daily affairs of the Board; and
- (c) an engineer of at least 15 years cognate experience in the Nigeria oil or gas industry (*Hon. Bassey Edet Otu*).

Amendment Proposed:

In subclause (c), line 1, *leave out* the word "Engineer" and *insert* the word "Graduate" instead thereof (*Hon. Aminu Waziri Tambuwal*).

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

Question that Clause 83 as amended, stand part of the Bill, put and agreed to.

Committee Recommendation:**Clause 84: Tenure of office.**

The Executive Secretary shall be appointed for a term of four (4) years in the first instance and may be appointed for a further term of four years and no more (*Hon. Bassey Edet Otu*) — *Agreed to.*

Question that Clause 84 stand part of the Bill, put and agreed to.

Committee Recommendation:**Clause 85 Remuneration of the Executive Secretary.**

The Executive Secretary shall be paid such remuneration as may be contained in his letter of appointment or as will be determined by the Revenue Mobilization, Allocation and Fiscal Commission using the scale applicable in the Nigeria oil and gas industry (*Hon. Bassey Edet Otu*).

Amendment Proposed:

In line 3, immediately after the word "Appointment" *leave out* all the other words (*Hon. Halims O. Agoda*).

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

Question that Clause 85 as amended, stand part of the Bill, put and agreed to.

Committee Recommendation:**Clause 86: Cessation of Office.**

The Executive Secretary shall cease to hold office if any of the conditions contained in section 78 pertaining to cessation of membership of the Council applies to him (*Hon. Bassey Edet Otu*) — *Agreed to.*

Question that Clause 86 stand part of the Bill, put and agreed to.

Committee Recommendation:**Clause 87: Resignation of appointment.**

The Executive Secretary may resign his appointment by a written notice under his hand delivered to the President (*Hon. Bassey Edet Otu*) — *Agreed to.*

Question that Clause 87 stand part of the Bill, put and agreed to.

Committee Recommendation:**Clause 88: Other staff.**

The Council shall appoint for the Board such number of employees as may in the opinion of the Council be expedient and necessary for the proper and efficient performance of the functions of the Board and pay them remuneration and allowances as it determines using the scale applicable in the Nigeria oil and gas industry (*Hon. Bassey Edet Otu*) — *Agreed to.*

Question that Clause 88 stand part of the Bill, put and agreed to.

Committee Recommendation:**Clause 89: Direct appointment.**

The Council shall have power to appoint for the Board either directly or on secondment from the public service of the Federation, such number of employees as may in the opinion of the Council be required to assist the Board in the discharge of any of its functions under this Bill (*Hon. Bassey Edet Otu*) — *Agreed to.*

Question that Clause 89 stand part of the Bill, put and agreed to.

Committee Recommendation:**Clause 90: Transfer of service.**

The person seconded under section 89 may elect to be transferred to the service of the Board and the previous service he may have rendered in the public service shall count as service to the Board for the purpose of any pension subsequently payable by the Board (*Hon. Bassey Edet Otu*) — *Agreed to.*

Question that Clause 90 stand part of the Bill, put and agreed to.

Committee Recommendation:**Clause 91: Directorates.**

There shall be established in the head office of the Board the following directorates—

- (a) the Directorate of Finance and Personnel Management;
- (b) the Directorate of Planning, Research and Statistics;
- (c) the Directorate of Monitoring and Evaluation;
- (d) the Directorate of Legal Services; and
- (e) any other Directorate which the Council may establish (*Hon. Bassey Edet Otu*).

Amendment Proposed:

Leave out all the words in the Clause and *insert* the following instead thereof:

"There shall be established in the head office of the Board, such directors as the Board may deem necessary" (*Hon. Ita Enang*).

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

Question that Clause 91 as amended, stand part of the Bill, put and agreed to.

Committee Recommendation:**Clause 92: Service in the Board.**

- (1) The Service in the Board shall be approved service for the purposes of the Pension Reform Act.
- (2) The officers and other persons employed in the Board shall be entitled to pension, gratuities and other retirement benefits as are enjoyed by persons holding equivalent ranks in the Civil Service of the Federation.
- (3) Nothing in subsections (1) and (2) of this section shall prevent the appointment of a person to any office on terms which preclude the grant of pension and gratuity in respect of that office (*Hon. Bassey Edet Otu*) — *Agreed to.*

Question that Clause 92 stand part of the Bill, put and agreed to.

Committee Recommendation:**Clause 93: Funds of the Board.**

- (1) The Board shall establish and maintain a fund to which all monies accruing to it shall be paid into or from which shall be defrayed all expenditure incurred by the Board.
- (2) The Fund of the Board shall consist of—
 - (a) all subventions and budgetary allocations provided by the Federal Government;
 - (b) sums accruing to the Board by way of donations, gifts, grants, endowment, bequest or otherwise;
 - (c) interest and revenue accruing from savings and investments made by the Board;

- (d) loans, which may be required from time to time for the objects of the Board, provided that the Board shall not, without the prior approval of the President, borrow money in excess of one million naira, or as may be determined from time to time; and
- (e) other revenues accruing to the board from any other sources (*Hon. Bassey Edet Otu*).

Amendment Proposed:

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

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

Question that Clause 93 as amended, stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 94: Budgetary Estimates.

The Council shall, not later than 30th September of each year, submit to the National Assembly, through the Minister, an estimate of the projected expenditure of the Board during the next succeeding year and shall include a copy of the audited accounts of that year and a copy of the auditor's report (*Hon. Bassey Edet Otu*) — *Agreed to.*

Question that Clause 94 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 95: Gift to the Board.

- (1) The Board may accept gifts of money, land or other property on such terms and conditions, if any, as may be specified by the person or organization making the gift.
- (2) The Board shall not accept any gift if the conditions attached thereto are inconsistent with the functions of the Board under this Bill (*Hon. Bassey Edet Otu*) — *Agreed to.*

Question that Clause 95 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 96: Expenditure and Account.

The Council shall approve any expenditure of the Board and shall—

- (a) issue proper accounts and records of the transactions and affairs of the board and ensure that all expenditure is duly authorized;
- (b) prepare in respect of each financial year, a statement of account in such form as the Auditor-General may direct (*Hon. Bassey Edet Otu*) — *Agreed to.*

Question that Clause 96 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 97: Audit and Account.

The Auditor-General for the Federation shall—

- (a) inspect and audit the accounts of the financial transactions of the Board;
- (b) inspect records relating to assets of the board;
- (c) draw the attention of the Ministry to any irregularity discerned by the inspector and auditors (*Hon. Bassey Edet Otu*).

Amendment Proposed:

Leave out all the words in the Clause and insert the following instead thereof:

"The Audit of the Organization shall be in accordance with the provisions of the Constitution of the Federal Republic of Nigeria, 1999" (*Hon. Ita Enang*).

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

Question that Clause 97 as amended, stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 98: Auditor-General.

The Auditor-General for the Federation or any officer who is authorized by him, is entitled at all reasonable times, to a full and free access to all accounts, records, documents and papers of the Board relating directly or indirectly to the receipt or payment of money by the Board or to the acquisition, receipt, custody or disposal of assets of the Board (*Hon. Bassey Edet Otu*).

Amendment Proposed:

Leave out all the words in the Clause (Hon. Ita Enang).

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

Committee Recommendation:

Clause 99: Acquisition of land or interest in land for office use.

- (1) For the purpose of providing offices and premises necessary for the performance of its functions under this Bill, the Board may, subject to the Land Use Act—
 - (a) purchase or lease any interest in land or other property; and
 - (b) Construct offices and premises, equip and maintain same.
- (2) The Board may, subject to the Land Use Act, sell or lease out any office or premise held by it, which office or premises is no longer required for the performance of its functions under this Bill (*Hon. Bassey Edet Otu*) — *Agreed to.*

Question that Clause 99 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 100: Legal Proceedings Against the Board.

- (1) The provision of the Public Officer's Protection Act shall apply in relation to any suit instituted against any officer or employee of the Board in his capacity as such.
- (2) No suit shall be commenced against a member of the Council or the Executive Secretary or any officer or employee of the Board in that capacity before the expiration of a period of one month after writing a notice of intention to commence the suit which shall have been served upon the Board by the intending plaintiff or his agent.
- (3) The notice referred to in subsection (2) shall state the cause of action, particulars of claims, the name and place of abode of the intending plaintiff and the relief, which he claims.
- (4) A notice, summons or other document required or authorized to be served upon the Board under the provision of the Act or any other law or enactment may be served by delivering it to the Executive Secretary or by sending it by registered post and addressed to the Executive Secretary at the Head Office of the Board (*Hon. Bassey Edet Otu*).

Amendment Proposed:

Leave out all the words in subclauses (2) - (4) (Hon. Ita Enang).

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

Question that Clause 100 as amended, stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 101: Restriction on execution against property of the Board.

- (1) No execution or attachment of process shall be issued against the Board in any action or suit without the consent of the Attorney-General of the Federation.

- (2) Any sum of money which may by the judgment of any court be awarded against the Board shall, subject to any direction given by the court where notice of appeal of the said judgment has been given, be paid from the general reserved fund of the Board (*Hon. Bassey Edet Otu*).

Amendment Proposed:

Leave out all the words in the Clause (Hon. Ita Enang).

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

Committee Recommendation:

Clause 102: Indemnity of Officers.

A member of the Council, the Executive Secretary, any officer or employee of the Board, shall be indemnified out of the assets of the Board against any proceeding, whether civil or criminal, in which judgment is given in his favour or in which he is acquitted, if any such proceeding is brought against him in his capacity as a member, Executive Secretary or officer or employee of the Board (*Hon. Bassey Edet Otu*) — *Agreed to.*

Question that Clause 102 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 103: Service of documents.

A notice, summons or other document required or authorized to be served upon the Board under the provisions of this Bill or any other law or enactment may be served by delivering it to the Executive Secretary or by sending it by registered post and addressed to the Executive Secretary at the principal office of the Board (*Hon. Bassey Edet Otu*) — *Agreed to.*

Question that Clause 103 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 104: Engagement of professionals and other Staff.

The Executive Secretary may with the approval of the council engage persons with knowledge or experience in Nigerian content development or in matters relevant to the functions of the Board to assist the Board in the performance of its functions (*Hon. Bassey Edet Otu*) — *Agreed to.*

Question that Clause 104 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 105: Power of the Minister to give Directive to the Board.

The Minister may issue to the Board directives in relation to Nigerian content development with respect to the application, administration and implementation of this Bill and any of the provisions thereof (*Hon. Bassey Edet Otu*) — *Agreed to.*

Question that Clause 105 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 106: Regulation.

- (1) The Minister shall make regulations generally for the purpose of carrying out or giving effect to the provisions of this Bill.
- (2) The Minister shall conduct a review of Schedule of this Bill every two years with a view to ensuring a measurable and continuous growth in Nigerian content in all projects, operations, activities and transactions in the Nigerian oil and gas industry.
- (3) The Council shall make standing orders regulating its proceedings or those of its standing Committees in Consultation with the Minister (*Hon. Bassey Edet Otu*) — *Agreed to.*

Question that Clause 106 stand part of the Bill, put and agreed to.

Committee Recommendation:**Clause 107: Review of Schedule.**

Subject to the approval of the Minister, the Board shall conduct a review of Schedule of this Bill at such intervals as it may determine but not later than every two years with a view to ensuring a measurable and continuous growth in Nigerian content in all projects, operations, activities and transactions in the Nigerian oil and gas industry (*Hon. Bassey Edet Otu*).

Amendment Proposed:

In line 4, immediately after the word "Industry" *insert* the words "for onward transmission to the National Assembly" (*Hon. Igo Aguma*).

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

Question that Clause 107 as amended, stand part of the Bill, put and agreed to.

Committee Recommendation:**Clause 108: Transfer of implementation of Nigeria content to Nigerian Content Monitoring Board.**

Upon the commencement of this Bill, all functions and powers conferred on any agencies or departments of the Federal Government of Nigeria to carry out the implementation of Nigerian content development or policy in the Nigerian oil and gas industry by any law or enactment is hereby transferred to the Nigerian Content Monitoring Board established under this Establishment of Nigerian Content Development Fund (*Hon. Bassey Edet Otu*) — *Agreed to.*

Question that Clause 108 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 109: (1) A fund to be known as the Nigerian Content Development Fund (the "Fund") is hereby established for purposes of funding the implementation of Nigerian content development in the Nigeria oil and gas industry.

(2) The sum of 0.5% of every contract awarded to any operator, contractor, subcontractor, alliance partner or any other entity involved in any project, operation, activity or transaction in the upstream sector of the Nigeria oil and gas industry shall be deducted at source and paid into the fund.

(3) The fund shall be managed by the Nigerian Content Development Board and employed for projects, programmes, and activities directed at increasing Nigerian content in the oil and gas industry (*Hon. Bassey Edet Otu*).

Amendment Proposed:

In subclause (2), line 1, *leave out* the figure "0.5%" and *insert* the figure "0.05%" instead thereof (*Hon. Ike Chinwo*).

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

Question that Clause 109 as amended, stand part of the Bill, put and agreed to.

Committee Recommendation:**Clause 110: Coastal and inland Shipping (Cabotage) Act No. 5. 2003.**

The Nigerian Content Monitoring Board in conjunction with NIMASA shall have powers to enforce compliance with section 5 of Coastal and Inland Shipping (Cabotage) Act No. 5 of 2003 in relation to matters pertaining to Nigerian content development (*Hon. Bassey Edet Otu*).

Amendment Proposed:

In line 2, immediately after the word "with", *leave out* the word "section" and figure "5" and *insert* the words "relevant sections" instead thereof (*Hon. Okey Udeh*).

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

Question that Clause 110 as amended, stand part of the Bill, put and agreed to.

Committee Recommendation:**Clause 111: Locus Standi and Special Jurisdiction of the Federal High Court.**

Any juristic or natural person who alleges that any provisions of this Bill has been, is being or likely to be contravened or compromised by any juristic or natural person in relation to his operation in the Nigeria oil and gas industry may apply to the Federal High Court for redress (*Hon. Bassey Edet Otu*).

Amendment Proposed:

Leave out all the words in Clause 111 (Hon. Rabir Nasir).

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

Committee Recommendation:**Clause 112: Interpretation.**

In this Bill, unless the context otherwise requires—

"Joint Qualification System" means the Industry Databank of available capacities and capabilities in the Nigerian oil and gas industry (*Hon. Bassey Edet Otu*).

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

"Labour Clause" means a clause mandating the use of a minimum percentage of Nigerian Labour in professional cadres in all contracts awarded in the Nigerian Petroleum Industry above a threshold value as stipulated by the Minister from time to time (*Hon. Bassey Edet Otu*).

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

"Minister" means the Minister of Petroleum Resources (*Hon. Bassey Edet Otu*).

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

"Nigerian Company" means a company formed and registered in Nigeria in accordance with the provision of Companies and Allied Matters Act (*Hon. Bassey Edet Otu*).

Amendment Proposed:

In line 2 interpretation, "Nigerian Company", immediately after the word "Act", insert the words "with not less than 51% equity shares by Nigerians" (*Hon. Igo Aguma*).

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

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

"NNPC" means Nigeria National Petroleum Corporation (*Hon. Bassey Edet Otu*).

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

"NNPC Joint Ventures Partners" means oil companies that executed various petroleum agreements with NNPC (*Hon. Bassey Edet Otu*).

Question that the meaning of the words "NNPC Joint Ventures Partners" be as defined in the interpretation to this Bill, put and agreed to.

"Nigerian Content" means the quantum of composite value added to or created in the Nigerian economy by a systematic development of capacity and capabilities through the deliberate utilization of Nigerian human, material resources and services in the Nigerian oil and gas industry (*Hon. Bassey Edet Otu*).

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

"Nigerian Content Indicator" means a percentage rating of a company based on specific criteria defined on the basis of values ascribed to each criterion (*Hon. Bassey Edet Otu*).

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

"Nigerian oil and gas industry" means all activities connected with the exploration, development, exploitation, transportation and sale of Nigeria oil and gas resources including upstream and downstream oil and gas operations (*Hon. Bassey Edet Otu*).

Question that the meaning of the words "Nigerian oil and gas industry" be as defined in the interpretation to this Bill, put and agreed to.

"Operator" means the Nigeria National Petroleum Company (NNPC), its subsidiaries and joint venture partners and any Nigerian or foreign or international oil and gas company operating in the Nigeria oil and gas industry under any petroleum arrangement (*Hon. Bassey Edet Otu*).

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

"Partner" means any foreign company working on any project in partnership or as major contractor to an operator (*Hon. Bassey Edet Otu*).

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

"Plan" means a Nigerian content plan submitted in compliance with any aspect of this Bill (*Hon. Bassey Edet Otu*).

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

"Oil and gas e-Market place" means a virtual platform for buyers and sellers of goods and services in the oil and gas industry that allows for speedy and transparent transactions (*Hon. Bassey Edet Otu*).

Question that the meaning of the words "Oil and gas e-Market place" be as defined in the interpretation to this Bill, put and agreed to.

Question that Clause 112 as amended, stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 113: Citation.

This Bill may be cited as the Nigerian Oil and Gas Industry Content Development Bill, 2009 (*Hon. Bassey Edet Otu*) — *Agreed to.*

Question that Clause 113 stand part of the Bill, put and agreed to.

SCHEDULE

CODE DESCRIPTION

NIGERIAN CONTENT (NC) LEVEL

FEED AND DETAILED ENGINEERING & OTHER ENGINEERING SERVICE

Description

NC% MEASURED UNIT

FEED & Detailed engineering on Onshore facilities	90%	Man-Hour
FEED & Detailed engineering on Offshore facilities - Shallow Water	90%	Man-Hour
FEED & Detailed engineering on LNG facility	50%	Man-Hour
FEED & Detailed engineering on Gas gathering Facilities	90%	Man-Hour
FEED & Detailed engineering on Deep offshore		

facilities - Hull & topside modules	80%	Man-Hour
FEED & Detailed engineering on Deep offshore floating concrete structure	80%	Man-Hour
FABRICATION AND CONSTRUCTION		
Description		
Terminal/Oil Movement Systems	80%	Volume
Drilling Modules/Packages	75%	Tonnage
Piles, Anchors, Buoys, Jackets, Bridges, Flare Booms, Storage Tanks, Pressure Vessels	80%	Tonnage
Umbilical	60%	Tonnage
Topside module (process modules & storage modules)	50%	Tonnage
Accommodation module	70%	Tonnage
Subsea systems	60%	Tonnage
Pipeline systems	100%	Tonnage
Risers	100%	Tonnage
Utilities module/packages	50%	Tonnage
MATERIALS AND PROCUREMENT		
Description		
Steel plates, Flat sheets, sections	100%	Tonnage
Steel pipes	100%	Tonnage
Low Voltage Cables	90%	Length
High Voltage Cables	45%	Length
Valves	60%	Number
Drilling mud - Baryte, Bentonite	60%	Tonnage
Cement (Portland)	80%	Tonnage
Cement (Hydraulic)	60%	Tonnage
Heat exchangers	50%	Number
Steel ropes	60%	Tonnage
Protective paints	60%	Litres
Glass Reinforced Epoxy (GRE) pipes	60%	Tonnage
WELL AND DRILLING SERVICES/PETROLEUM TECHNOLOGY		
Description		
Reservoir services	75%	Spend
Well completion services (permanent gauges & intelligent wells)	80%	Spend
Wire line services (electric open holes, electric cased hole, slickline)	45%	Spend
Logging While Drilling (LWD) services	60%	Man-Hour
Measurement While Drilling (MWD) (direction and inclination/Gamma ray)	70%	Man-Hour
Production drilling service	85%	Man-Hour
Performance services (T&P)	90%	Man-Hour
2D Seismic data acquisition services	85%	Length
Well Overhauling/Stimulation Services	85%	Man-Hour
Wellhead Services	85%	Man-Hour
Directional Surveying Services	85%	Man-Hour
Cutting Injections/Cutting Disposal Services	100%	Man-Hour
Recutting Inspection Services	85%	Man-Hour
Cased Hole Logging Services (Gyro, Perforation, Gauges, Gyro, PLT, Perforation, PLT, Gauges)	90%	Man-Hour
Well Watch Services	70%	Man-Hour
Cement service	75%	Man-Hour
Coiled Tubing Services	75%	Man-Hour
Pumping Services	95%	Man-Hour
Fluid/Bottom Hole Sampling Services	80%	Man-Hour
OCTS Services (Cleaning, hardbanding, recutting, rethreading, storage)	95%	Man-Hour
Well Crisis Management Services	90%	Man-Hour
Other Drilling Services	80%	Man-Hour
Petrophysical Interpretation Services	75%	Volume/Man-hour
Extended Well Test/Early Production		

Services including Provision of Floating or Jackup Production Unit	50%	Spend
Provision of all Catering, Cleaning, Office and Security Service at Location/Platform	80%	Spend
Rental of Drill Pipe	75%	Spend
New Provisions		
Electric Open Hole	45%	Spend
Electric ceased Holes	100%	Spend
Slickline	100%	Spend
Well head Safety panels	100%	Spend
Chemical:		
Drilling, process, Maintenance	90%	Spend
RESEARCH & DEVELOPMENT SERVICES		
(R&D) - Related to Operator's in-country		
Description		
Engineering Studies - Reservoir, Facilities, Drilling etc	60%	Spend
Geological and Geophysical Services	80%	Spend
Safety and Environmental Studies	75%	Spend
Local Materials substitution studies	75%	Spend
EXPLORATION, SUBSURFACE, PETROLEUM ENGINEERING & SEISMIC		
Description		
3D Seismic data acquisition services	100%	Spend
4D Seismic data processing services	55%	Spend
2D Seismic data processing services	100%	Spend
Geophysical interpretation services	90%	Spend
Geological evaluation services		
(Organic Geochemistry, Petrology, Digenesis, Geostratigraphy, Fluid Characterization, PVT, Core Analysis, Flooding)	80%	Spend
Mud logging services	90%	Spend
Coring services	90%	Spend
Well testing service	55%	Spend
Drilling rigs (swamp)	60%	Man-hour
Drilling Rigs (Semi submersibles/Jack ups/Others)	55%	Man-hour
Drilling rigs (land)	70%	Man-Hour
Work-over Rigs (Swamp)	70%	Spend
Snubbing Services	80%	Spend
Liner Float, Hangers and Running Equipment Services	55%	Spend
Field Development Plan	100%	Spend
2D Seismic Data Interpretation Services	100%	Spend
3D Seismic Data Interpretation Services	100%	Spend
4D Seismic Data Interpretation Services	55%	Spend
Drilling rigs (land)	70%	Man-Hour
TRANSPORTATION/SUPPLY/DISPOSAL SERVICES		
Description		
Tugs/Remotely Operated Vehicle (ROV) support/diving support vessels	65%	Spend
Barges	95%	Spend
Accommodation platforms/vessels	90%	Spend
Disposal / distribution and waste transport services	100%	Spend
Rental of Cranes and Special Vehicles	75%	Spend
Freight Forwarding/Logistics Management Services	65%	Spend
Supply Base/Warehouse/Storage Services	70%	Spend
Truck Package/Product Transportation Services	100%	Spend
HEALTH, SAFETY & ENVIRONMENT		
Description		
Site clean up service	100%	Man-Hour

Pollution control	45%	Spend
Waste Water Treatment Services	65%	Man-Hour
Fire and Gas Protection System Services	50%	Man-Hour
Ventilation/Heating/Sanitary Services	85%	Man-Hours
Waste Disposal/Drainage Services	100%	Man-Hours
Industrial Cleaning Services	100%	Man-Hours
Disposal/Distribution and Waste Transport Services etc.	100%	Spend
Safety/Protection/Security/firefighting System Services	90%	Man-Hours
Preservation of Mechanical and Electrical Components Services	95%	Man-Hours
Equipment brokerage services	75%	Spend
Temporary Accommodation/Camp Services	80%	Spend
Catering Services	100%	Spend
Cleaning and Laundry Services	100%	Spend
Security Services	95%	Spend
Medical Services	60%	Spend
Equipment Brokerage Services	75%	Spend
Other Supporting Services	85%	Spend
Pollution Control	90%	Man-hour/Spend

INFORMATION SYSTEMS/INFORMATION

TECHNOLOGY/COMMUNICATION SERVICES

Description

Network Installation/Support Services	85%	Spend
Software Development and Support Services	45%	Spend
Computer Based Modeling Services	51%	Spend
Computer Based Simulation/Training Programs Services	51%	Spend
CAL/CAP Services	51%	Spend
Hardware Installation Support Services	50%	Spend
Operating System Installation/Support Services	50%	Spend
User Support/Help Desk Services	60%	Spend
Library Services	70%	Spend
IT Management Consultancy Services	50%	Spend
Data Management Services	50%	Spend
Telecommunication Installation/Support Services	60%	Spend
Data and Message transmitting Services	60%	Spend
Rental of Telecommunication Lines	75%	Spend
Telecommunication Subscription Services	85%	Spend
Public Address System Services	95%	Spend
Other Information Systems (IS)/Information Technology (IT) Services	75%	Spend

MARINE, OPERATIONS & LOGISTICS

SERVICES

Description

Telecommunication Services	90%	Man-Hour
Supply of crew men for domestic coastal services	80%	Number
Diving/ROV/Submersible operations	70%	Man-Hour
Hook-up and Commissioning including Marine Installation Services	75%	Man-Hour
Dredging Service	55%	Man-Hour Spend
Gravel and Rock Dumping Service	65%	Man-Hour
Floating Storage Units (FSU)	45%	Man-Hour
Subsea Pipeline Protection Services	55%	Man-Hour
Installation of Subsea Package	60%	Man-Hour
Mooring System Services	50%	Man-Hour
Ship Chandler Service	90%	Spend
Moving Services	100%	Man-hours Spend
Supply Vessels	45%	Man-hours Spend
Stand-by Vessels	55%	Spend
New Provisions		
Domestic Clearing of Cargos	30%	Spend

Bunkering Services	60%	Spend
Marine Insurance	40%	Spend
Marine Consulting	40%	Spend
Marine Logistic	30%	Spend
FINANCE & INSURANCE		
Description		
General Banking Services	100%	Usage
Monetary Intermediation Services	70%	Usage
Credit Granting Services	50%	Loan Amount
Security Broking and Fund Management Services	100%	Spend
Financial Management Consultancy Services	70%	Spend
Accounting Services	70%	Man-hours
Auditing Services	100%	Spend
Life Insurance Services	100%	Spend
Pension Funding Services	100%	Spend
Non-Life Insurance Services	70%	Spend
Insurance Broking Services	75%	Spend
INSTALLATION, HOOKUP & COMMISSIONING		
Description		
Surface treatment, sandblasting, painting, coating & fire proofing services	80%	Man-Hour
Subsea construction services	45%	Man-Hour
Hookup & commissioning including marine installation services	75%	Man-Hour
Installation of subsea packages	45%	Man-Hour
Electrical/Instrument Services	45%	Man-Hour
Insulation Services	50%	Man-Hour
Diving/ROV/Submersible operations	75%	Man-Hour
Subsea Construction Services	45%	Man-Hour
Pipe Cutting and Bending Services	100%	Man-Hour
Catalyst Handling/Regeneration Services	85%	Man-Hour
Bolt Tensioning Services	75%	Man-Hour
Rope Access Services	70%	Man-Hour
Welding and Jointing Services	60%	Man-Hour
Maintenance and Modification of Pumps and Rotating Equipment	65%	Man-Hour
Heat Treating and Demagnetising Services	80%	Man-Hour
Tank Bottom Sludge Treatment Services	85%	Man-Hour
Valve Management Services including testing and repair	85%	Man-Hour
Crane Management Services	80%	Man-Hour/Rate
Other Construction/Maintenance Services	80%	Man-Hour/Tonnage/Rate
Pipe laying/Cable Laying Services	50%	Man-Hour
Trenching and Excavation Services	100%	Man-Hour
Cranes/Crane Barges/Heavy Lift Vessels	100%	Man-Hour
Marine Services	65%	Man-Hour/Spend
Subsea Services	45%	Man-Hour/Spend
Well Services	70%	Man-Hour/Spend
Cutting Services	75%	Man-Hour/Spend
Site Services	85%	Man-Hour/Spend
Other Decommissioning and Abandonment Services	90%	Man-Hour/Spend
Service station tank maintenance/services	75%	Spend
New Provisions		
Electrical/Electronic Systems Integration	55%	Spend
Process Testing including Helium and Nitrogen services	65%	Spend
INSPECTION, TESTING & CERTIFICATION		
Description		
Material Technology/Anti-Corrosion/Surface Protection Services	85%	Man-Hour
Non-Destructive Testing (NDT) Services	60%	Man-Hour
Pipeline Flushing, External/Internal Inspection,		

Pigging Services	85%	Man-Hour/Rate
Surface Treatment Inspection Services	90%	Man-Hour
Pressure Testing Services	90%	Man-Hour
Instrument Testing/Calibration Services	85%	Man-Hour
Load Testing Services	75%	Man-Hour
Diving/ROV operations	65%	Man-Hour
Laboratory Testing Services	55%	Man-Hour
Dimensional Control/Verification Services	45%	Man-Hour
Third Party Measurement Services	45%	Man-Hour
Other Inspection Services	45%	Man-Hour
Quality Management Systems Certificate	55%	Nos of certification obtained
Environmental Management Systems Certificate	45%	Nos.
Safety Management System Certification	45%	Nos.
Information Security Management Systems Certificate	45%	Nos.
Certification of Welders	50%	Nos.
Certification by NDT personnel	45%	Man-Hour
Certification of machinery & equipment	45%	Numbers
Certification on NDT Personnel	50%	Nos.
Certificate of Machinery	50%	Nos.
Certification of Cranes and Lifting Appliances	45%	Nos.
Certification of Pressurised Equipment	45%	Nos.
Evaluation and Certification of Software and Electronics (IT)	45%	Nos.
Notified Body for Machinery	45%	Nos.
Notified Body for simple Pressure Vessels	45%	Nos.
Notified Body for Telecommunication Terminal Equipment	50%	Nos.
Notified Body for Personal Protection Equipment	45%	Nos.
Notified Body for Lifts	50%	Nos.
Notified Body for Pressure Containing Equipment	45%	Nos.
Integrity Management Services	50%	Nos.
Other Certification Services	50%	Nos.
Other Testing Services	49%	Man-Hour

PROJECT MANAGEMENT/CONSULTING SERVICES

Description

Construction Management and Supervision Services	80%	Man-Hour
Project Administration services/		
Project Management	80%	Man-Hour
Quality Assurance QA/QC Consultancy	45%	Man-Hour
Safety, Health and Environment Consultancy	45%	Man-Hour
Risk Analysis Consultancy	45%	Man-Hour
Personnel/Training System Consultancy (For training courses select 3.99.13)	45%	Man-Hour
Legal Consultancy	50%	Contracts
Cost and Planning Consultancy	75%	Man-Hour
Material Administration Consultancy	75%	Man-Hour
Technical Documentation/Document Control Consultancy	85%	Man-Hour
Advertising/Public Affairs/Public Relations Consultancy	80%	Man-Hour
Marketing and Market Research Consultancy	75%	Man-Hour
Translation and Manual Writing Consultancy	45%	Man-Hour
Welding and Jointing Consultancy	45%	Man-Hour
Warranty Surveyors	45%	Man-Hour
Third Party Evaluation/Verification Consultancy	50%	Spend
Energy Conservation Consultancy	65%	Spend
Decommissioning and Abandonment Consultancy	90%	Spend
Meteorological Consultancy	55%	Spend
Staff Search/Selection Consultancy	80%	Spend
Sub-surface Consultancy (Geological, Geophysical, Reservoir)	90%	Spend
Design Consultancy (Industrial Design,		

Web Design, etc.)	85%	Man-Hour
Marine Consultancy	50%	Spend
Subsea Consultancy	45%	Spend
Career/Outplacement Consultancy	70%	Spend
General Management and Business		
Development Consultancy	80%	Spend
Other Consultancy Services	55%	Spend
Pollution and Pollution Control Works and Consultancy	65%	Spend
SURVEYING/POSITIONING SERVICES		
Description		
Soil Investigation Services	80%	Spend
Navigation/Positioning Services	50%	Spend
Geotechnical Services	60%	Spend
Geophysical and Hydrographic Site Survey	100%	Spend
Oceanographic Services	60%	Spend
Rig Positioning Services	65%	Spend
Photogrammetry Surveying Services	45%	Spend
Chart and Map Production Services	45%	Spend
Rental of Surveying/Positioning Equipment Services	45%	Spend
Survey and Positioning Support Services	75%	Spend
Aeromagnetic Survey	45%	Area
MODIFICATION & MAINTENANCE		
Description		
Car Wash Equipment Maintenance/Services		
Canopy Equipment Maintenance/Services	90%	Spend
Dredging services	90%	Spend
Signs and Accessories Maintenance/Services	55%	Spend
Services Station Pumps Maintenance/Services	80%	Spend
Payment Terminal Maintenance/Services	65%	Spend
Service Station Tanks Maintenance/Services	80%	Spend
Subsea systems	75%	Spend
Pipeline Systems	45%	Spend
Risers	60%	Spend
Umbilicals	49%	Tonnage
Terminal/Oil Movement Systems	51%	Tonnage
Accommodation/Office/Workshop/Storage Modules	70%	Volume
Process Modules/Packages	80%	Spend
Utilities Modules/Packages	65%	Tonnage
Drilling Modules/Packages	80%	Tonnage
Buildings including Services Stations	70%	Tonnage
Engineering Modification and Maintenance		
Services for a Site/Platform	90%	
SHIPPING		
Domestic coastal carriage of petroleum products	60%	Spend
Tow of oil & gas infrastructure & vessels conveying oil & gas products from or to any port or point in Nigerian waters	90%	Spend
Supply of very large crude carriers (VLCC)	90%	Spend (<i>Hon. Bassey Edet Otu</i>)
		— Agreed to.

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

Long Title:

A Bill for an Act to Provide for the Development of Nigeria 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 Edet Otu*) — Agreed to.

Question that a Bill for an Act to Provide for the Development of Nigeria 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 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 Petroleum Resources (Upstream) and Gas Resources on a Bill for an Act to Provide for the Development of Nigeria 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 and approved Clauses 1 and 2, amended Clause 3, approved Clauses 4 - 10, retained original provision in Clause 11 (2); approved Clauses 12 - 15; retained the original provision in Clause 16; approved Clauses 17 - 50, amended Clause 51, approved Clause 52, amended Clause, 53; retained the original provision in Clause 54; approved Clauses 55 - 69; retained the original provision in Clause 70 (g), approved Clauses 71 - 80; amended Clause 81, approved Clause 82; amended Clause 83 (c); approved Clause 84; amended Clause 85; approved Clauses 86 - 90; amended Clause 91, approved Clause 92, rejected Clause 93 (d); approved Clauses 94 - 96; amended Clause 97 rejected Clause 98; approved Clause 99; rejected Clause 100 (2), (3) and (4) and Clause 101; approved Clauses 102 - 106; amended Clause 107; approved Clause 108; amended Clauses 109 and 110; rejected Clause 111; amended Clause 112, approved Clause 113, 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.

(ii) **Joint Committee on Industry, Commerce, Agriculture and Water Resources:**

Report of the Joint Committee on Industry, Commerce, Agriculture and Water Resources on Revitalizing the Textile Industry in Nigeria.

Order read, deferred.

(iii) **A Bill for an Act to Establish the Federal Capital Territory College of Education, and Other Matters Connected Therewith, 2009 — Committee of Whole:**

Motion made and Question proposed, "That this House do consider a Bill for an Act to Establish the Federal Capital Territory College of Education, and for Other Matters Connected Therewith" (*Hon. Emeka Ihedioha*).

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 COLLEGE OF EDUCATION
AND FOR OTHER MATTERS CONNECTED THEREWITH**

PART I — ESTABLISHMENT OF FEDERAL CAPITAL TERRITORY COLLEGE OF EDUCATION

Clause 1: Establishment of Federal Capital Territory College of Education.

- (1) There is hereby established for the Federal Capital Territory a College of Education in this Bill (referred to as the "College") which shall have such powers and exercise such functions as are conferred on it by This Bill.
- (2) The College shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name (*Hon. Emeka Ihedioha*) — *Agreed to.*

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

Clause 2: Governing Council of the College—There is hereby Established for the College.

- (1) A Governing Council (in This Bill referred to as "the Council") which shall be responsible for the consideration and approval of—
 - (a) the plan of activities of the College;
 - (b) the programme of studies, courses, and research to be undertaken by the College;
 - (c) the annual estimates of the College; and

(d) the investigation plans of the College.

(2) The provisions of the Schedule to this Bill shall have effect with respect to the Council as specified therein (*Hon. Emeka Ihedioha*) — *Agreed to*.

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

Clause 3: Membership of the Council of the College.

The Council of the College shall consist of a Chairman and the following other members, to be appointed by the Minister—

- (a) the person responsible for Education in the Federal Capital Territory;
- (b) a representative of a University who in the case of a degree awarding College, shall come from the University to which the College is affiliated for the purpose of moderation;
- (c) a representative of the alumni association of the College;
- (d) three persons appointed on individual merit on a nationwide basis who should have wide experience of service in the public or private sector;
- (e) two representatives of the Academic Board of the College;
- (f) one representative of the National Commission for Women;
- (g) a representative of the National Commission for Colleges of Education; and
- (h) the Provost of the College (*Hon. Emeka Ihedioha*) — *Agreed to*.

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

Clause 4: Tenure of office of members of the Council.

- (1) A member of the Council (other than an *ex-officio* member) shall hold office for a term of three years and be eligible for reappointment for a further period of three years.
- (2) The office of a member appointed under section 3 of this Bill shall become vacant if—
 - (a) the member resigns his office by notice in writing under his hand, addressed to the Minister; or
 - (b) the Minister is satisfied that it is not in the interest of the College for the person appointed to continue in office and notifies the member in writing to that effect (*Hon. Emeka Ihedioha*).

Amendment Proposed:

In subclause (1), line 2, *leave out* the word “three” and *insert* the word “four” instead thereof (*Hon. Ita Enang*).

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

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

Clause 5: Functions of the College.

The functions of the College shall be—

- (a) to provide full-time courses in teaching, instruction and training—
 - (i) in technology, applied science, commerce, arts, social sciences and technology, humanities and management, and
 - (ii) in such other fields of applied learning relevant to the needs of the development of Nigeria.

- (iii) research in the development and adaptation of techniques as the Council may from time to time determine;
- (b) to conduct courses in education for qualified teachers;
- (c) to arrange conferences, seminars and workshops in relevant fields of learning; and
- (d) to perform such other functions as in file opinion of the Council may promote the objectives of the College (*Hon. Emeka Ihedioha*) — *Agreed to*.

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

Clause 6: Powers of the Council.

- (1) The Council shall have powers to—
 - (a) hold examination and grant diploma, professional certificates and other distinctions to persons who have pursued a course of study approved and accredited by the National Commission for Colleges of Education;
 - (b) demand and receive from any student or any other person attending the College for the purpose of instruction such fees as the Council may, with the prior approval of the Minister, from time to time determine;
 - (c) hold public lectures and undertake printing, publishing and selling;
 - (d) make gifts for any charitable purpose;
 - (e) hold examinations in education for qualified teachers;
 - (f) provide amenities for the welfare of the staff of the College;
 - (g) invest the surplus funds of the College in securities specified by law as may be approved by the Minister;
 - (h) borrow money in such manner and upon such security as the Minister may from time to time authorise;
 - (i) enter into such contracts as may be necessary or expedient for carrying into effect the objectives of the College;
 - (j) recruit staff of the right calibre and determine the career structure of such staff;
 - (k) establish and maintain such schools and other teaching units within the College or extramural departments as the Council may, from time to time, decide;
 - (l) institute and award fellowships, medals, prizes and other titles;
 - (m) mount exhibitions and displays designed to foster an appreciation of trends in and the scope and requirements of education;
 - (n) erect, provide, equip and maintain such educational, recreational and residential facilities as the College may require;
 - (o) create lectureships and other academic posts and offices and to make appointments thereto;
 - (p) encourage and make provision for research in the college and;
 - (q) do such things incidental to the foregoing powers as may advance the objects of the College (*Hon. Emeka Ihedioha*) — *Agreed to*.

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

Clause 7: Visitation.

- (1) The Minister of the Federal Capital Territory shall be the Visitor of the College.
- (2) The Visitor shall, not less than once in every five years, conduct a visitation of the College or appoint a visitation panel consisting of not less than five experts to conduct the visitation—
 - (a) for the purpose of evaluating the academic and administrative performance of the College; or
 - (b) for such other purpose the Visitor may deem fit (*Hon. Emeka Ihedioha*) — *Agreed to.*

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

Clause 8: The Academic Board and its functions.

- (1) There shall be established for the College a board to be known as the Academic Board which shall consist of the following members—
 - (a) the Provost of the College who shall be the Chairman;
 - (b) the Deputy Provost, Deans of Schools, Professors/Readers/Chief-Lecturers and the Registrar who shall be the Secretary;
 - (c) the College Librarian; and
 - (d) not more than two members of the academic staff other than heads of departments to be elected by the Congregation.
- (2) The Academic Board shall be responsible for—
 - (a) the direction and management of academic matters of the College including the regulation of admission of students, the award of certificates, scholarships, prizes and other academic distinctions;
 - (b) making periodic reports on such academic matters to the Council as the Council may from time to time direct;
 - (c) discharging any other functions which the Council may from time to time delegate to it (*Hon. Emeka Ihedioha*) — *Agreed to.*

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

Clause 9: Power of Minister to give directions to the Council.

Subject to the provisions of this Bill, the Minister may give to the Council directions of a general character or relating generally to matters of policy with regard to the exercise by the Council of its functions under This Bill and it shall be the duty of the Council to comply with such directions (*Hon. Emeka Ihedioha*) — *Agreed to.*

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

Clause 10: The Provost of the College.

- (1) There shall be a Provost of the College (in this Bill referred to as "the Provost") who shall be appointed by the Minister in charge of the Federal Capital Territory, in accordance with the provisions of this section.
- (2) Where a vacancy exists in the post of Provost, the Council shall—
 - (a) advertise the vacancy in a reputable journal or a widely read newspaper in Nigeria specifying —
 - (i) the qualities of the person who may apply for the post,

- (ii) the terms and conditions of service applicable to the post, and thereafter draw up a short list of suitable candidates for consideration;
- (b) constitute a search team consisting of—
 - (i) a member of the Council not being a member of the Academic Board, as Chairman,
 - (ii) two members of the Academic Board not below the rank of Chief Lecturer,
 - (iii) two members of the academic community of the College not below the rank of Chief Lecturer to be selected by the Council, to identify and draw up a short list of suitable persons who are not likely to apply for the post for any reason whatsoever.
- (3) A joint selection Board of Council and Academic Board consisting of—
 - (a) the Chairman of the Council;
 - (b) two members of the Council not being members of the Academic Board, one of whom shall be the member appointed by the Minister;
 - (c) two members of the Academic Board not below the rank of a Chief Lecturer, who were not members of the Search team shall consider the candidates and persons on the short lists drawn up under subsection (2) of this section through the examination of their curriculum vitae and interaction with them and recommend through the Council to the Minister three candidates for his consideration.
- (4) The Minister in charge of the Federal Capital Territory shall if satisfied appoint as Provost one of the candidates recommended to him under the provisions of subsection (3) of this section
- (5) Subject to This Bill and the general control of the Council, the Provost shall be the chief executive of the College and shall be charged with general responsibility for matters relating to the day to day management operations of the College
- (6) The Provost —
 - (a) shall hold office for a period of four years beginning with the effective date of his appointment and on such terms and conditions as may be specified in his letter of appointment; and
 - (b) may be reappointed for one further period of four years and no more (*Hon. Emeka Ihedioha*) — *Agreed to.*

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

Clause 11: Deputy Provost.

- (1) There shall be for the College a Deputy Provost.
- (2) The Council shall appoint the Deputy Provost from among the Chief Lecturers in the College in one of the following ways, that is —
 - (a) from a list of three candidates in order of preference, submitted by the Provost; or
 - (b) on the recommendation of a selection Board constituted under this section for that purpose; or
 - (c) on the nomination of the Provost.

- (3) The selection Board referred to in subsection (2) of this section shall—
- (a) consist of—
 - (i) the Chairman of the Council,
 - (ii) the Provost,
 - (iii) two members of the Council not being members of the Academic Board, one of whom shall be the member appointed by the Minister
 - (iv) two members of the Academic Board; and
 - (b) make such inquiries as it deems fit before making the recommendation required under that subsection.
- (4) The Deputy Provost shall —
- (a) be in charge of academic activities and assist the Provost in the performance of his functions;
 - (b) act in the place of provost when the post of Provost is vacant or if for any reason the Provost is unable to perform his functions as Provost; and
 - (c) perform such other functions as the Provost or the Council may assign to him.
- (5) The Deputy Provost —
- (a) shall hold office for a period of two years beginning from the effective date of his appointment and on such terms and conditions as may be specified in his letter of appointment; and
 - (b) may be reappointed for one further period of two years and no more (*Hon. Emeka Ihedioha*) — *Agreed to.*

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

Clause 12: The Registrar and other Staff of the College.

- (1) The Council of the College shall appoint a Registrar to the College (hereinafter referred to as "the Registrar") who shall keep the records and conduct the correspondence of the Council and shall perform such other duties as the Council and subject thereto as the Provost may from time to time direct.
- (2) The Registrar shall, in addition to other duties conferred on him by or under This Bill, be the secretary to the Council, the Academic Board and any committee of the Council and in his absence, the Council or any such committee may appoint some other person to act as secretary, and he shall not vote on any question before the Council or count towards a quorum.
- (3) A Registrar —
 - (a) shall hold office for a period of five years beginning from the effective date of his appointment and on such terms and conditions as may be specified in his letter of appointment; and
 - (b) may be reappointed for one further period of five years and no more.
- (4) Where on the commencement of this section a Registrar appointed before the commencement of this section has held office —
 - (a) for five years or less he shall be deemed to be serving his first term of office and may be reappointed for a further term of five years;

- (b) for more than five years but less than ten years, he shall complete the maximum period of ten years and thereafter relinquish his post and be assigned other duties in the College;
- (c) for ten years or more, the Council may allow him to serve as Registrar for a further period of one year only and thereafter he shall relinquish his post and be assigned other duties in the College (*Hon. Emeka Ihedioha*) — *Agreed to.*

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

Clause 13: Other Principal officers of the College.

- (1) There shall be for the College the following principal officers in addition to the Registrar, that is —
 - (a) the Bursar; and
 - (b) the College Librarian, who shall be appointed by the Council on the recommendation of the Selection Board constituted under section 10 of This Bill.
- (2) The Bursar shall be the chief financial officer of the College and be responsible to the Provost for the day-to-day administration and control of the financial affairs of the College.
- (3) The College Librarian shall be responsible to the Provost for the administration of the College Library and the coordination of the Library services in the teaching units of the College.
- (4) A Bursar or Librarian —
 - (a) shall each hold office for a period of five years beginning from the effective date of his appointment and on such terms and conditions as may be specified in his letter of appointment; and
 - (b) may be reappointed for one further period of five years and no more.
- (5) Where on the commencement of this section a Bursar or Librarian has held office —
 - (a) for five years or less he shall be deemed to be serving his first term of office and may be reappointed for a further term of five years;
 - (b) for more than five years but less than ten years, he shall complete the maximum period of ten years and thereafter relinquish his post and be assigned other duties in the College;
 - (c) for ten years or more, the Council may allow him to serve in that capacity for a further period of one year only and thereafter he shall relinquish his post and be assigned other duties in the College (*Hon. Emeka Ihedioha*) — *Agreed to.*

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

Clause 14: Resignation of appointment of principal officers.

A principal officer may resign his appointment —

- (a) in the case of the Provost, by notice to the Visitor; and
- (b) in any other case, by notice to the Council (*Hon. Emeka Ihedioha*) — *Agreed to.*

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

Clause 15: Other Employees of the College.

- (1) The Council may appoint such other persons to be employees of the College as the Council may determine to assist the Provost and the Principal Officers of the College in the performance of their functions under This Bill.
- (2) Subject to the provisions of this Bill the remuneration, tenure of office and conditions of service of the employees of the Council shall be determined by the Council in consultation with the Federal Civil Service Commission (*Hon. Emeka Ihedioha*) — *Agreed to.*

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

Clause 16: Selection Board for other principal officers.

- (1) There shall be for the college, a selection Board which shall consist of —
 - (a) the Chairman of the Council;
 - (b) the Provost;
 - (c) four members of the Council not being members of the Academic Board; and
 - (d) two members of the Academic Board.
- (2) The functions, procedure and other matters relating to the selection Board constituted under subsection (1) of this section shall be as the Council may, from time to time, determine (*Hon. Emeka Ihedioha*) — *Agreed to.*

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

Clause 17: Pensions.

- (1) It is hereby declared that service in the shall be approved service for the purposes of the Pension Reform Act, 2004 and accordingly, officers and other persons employed in the College shall in respect of their service in the College be entitled to pension, gratuities and other retirement benefits as are prescribed thereunder, so however that nothing in This Bill shall prevent the appointment of a person to any office on terms which preclude the grant of a pension and gratuity in respect of that office.
- (2) For the purposes of the application of the provisions of the Pension Reform Act, any power exercisable thereunder by a Minister or other authority of the Government of the Federation (other than the power to make regulations) shall be exercisable by the College and not by any other person or authority (*Hon. Emeka Ihedioha*) — *Agreed to.*

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

PART II — FINANCIAL PROVISIONS**Clause 18: Establishment of fund of the College.**

- (1) The Council shall establish and maintain a fund which shall be applied towards the promotion of the objectives specified in This Bill.
- (2) There shall be paid and credited to the fund established under subsection (1) of this section—
 - (a) such sums as may from time to time be granted to the Council by the Minister in charge of the Federal Capital Territory;
 - (b) all moneys raised for the purposes of the Council by way of gifts, grants-in-aid or testamentary disposition; and
 - (c) all subscriptions, fees and charges for services rendered by the Council and all other sums that may accrue to the Council from any source.

- (3) The Council shall submit to the Minister not later than three months before the end of each financial year or at such other time as he may direct, an estimate of its revenue and expenditure for the next succeeding financial year (*Hon. Emeka Ihedioha*).

Amendment Proposed:

Leave out all the words in subclause (2)(a) and *insert* the following instead thereof:
 “Such sums as may be appropriated by the National Assembly” (*Hon. Ita Enang*).

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

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

Clause 19: Power to accept gifts.

The Council may accept gifts of land, money or other property upon such terms and conditions if any, as may be specified by the person making the gift (*Hon. Emeka Ihedioha*).

Amendment Proposed:

In line 2, immediately the word “any”, *leave out* all the other words and *insert* the words “as are unquestionable” instead thereof (*Hon. Ita Enang*).

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

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

Clause 20: Accounts and audit.

The Council shall keep proper accounts of its receipts, payments, assets and liabilities and shall in respect of each year cause the accounts to be audited (*Hon. Emeka Ihedioha*) — *Agreed to.*

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

Clause 21: Annual reports.

The Council shall as soon as may be after the expiration of each financial year prepare and submit to the Minister a report of its activities during the immediately preceding financial year and shall include in the report a copy of the audited accounts of the college for that year and of the auditors report on the accounts (*Hon. Emeka Ihedioha*) — *Agreed to.*

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

PART III — MISCELLANEOUS AND SUPPLEMENTARY

Clause 22: Offices and premises.

- (1) For the purposes of providing offices and premises necessary for the performance of its functions, the Council may—

- (a) purchase any interest in or take on lease any land; and
- (b) build, equip and maintain offices and premises.

- (2) The Council may with the approval of the Minister sell any interest in or lease any land, offices or premises held by it and no longer required for the performance of its function (*Hon. Emeka Ihedioha*) — *Agreed to.*

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

Clause 23: Discipline of students.

- (1) The Council may make rules providing for the Provost to conduct enquiries into alleged breaches of discipline (including lack of diligence) by students and such rules may make different provisions for different circumstances.
- (2) The rules shall provide for the procedure and rules of evidence to be followed at enquiries under this section.

- (3) Subject to the provisions of subsection (1) of this section, where it is proved during the enquiry that any student of the College has been guilty of misconduct, the Provost may, without prejudice to any other disciplinary powers conferred on him by this Bill or any regulations made thereunder direct —
- (a) that the student shall not, during such period as may be specified in the direction, participate in such activities of the College, or make use of such facilities of the College, as he may specify; or
 - (b) that the activities of the student shall during such period as may be specified in the directions, be restricted in such manner as may be so specified; or
 - (c) that the student may be suspended for such period as may be specified in the direction; or
 - (d) that the student be expelled from the College.
- (4) Where there is temporarily no Provost or where the Provost refuses to apply any disciplinary measures, the Council may, either directly or through some other staff, apply such disciplinary actions as are specified in subsection (3) of this section to any student of the College who is guilty of misconduct.
- (5) Where a direction is given under subsection (3) (c) or (d) of this section in respect of any student, the student may, within twenty-one days from the date of the letter communicating the decision to him, appeal from the direction to the Council, and where such an appeal is brought, the Council shall, after causing such inquiry to be made in the matter as the Council considers just, either confirm or set aside the direction or modify it in such manner as the Council may think fit.
- (6) The fact that an appeal from a direction is brought in pursuance of subsection (5) of this section shall not affect the operation of the direction while the appeal is pending.
- (7) The Provost may delegate his powers under this section to a disciplinary committee consisting of such members of the College as he may nominate.
- (8) Nothing in this section shall be construed as preventing the restriction or termination of a student's activities at the College otherwise than on the ground of misconduct.
- (9) It is hereby declared that the direction under subsection (3) (a) of this section may be combined with a direction under subsection (3) (b) of this section.
- (10) In all cases under this section, the decision of the Council shall be final unless reversed by the Minister on appeal by the student (*Hon. Emeka Ihedioha*) — *Agreed to.*

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

Clause 24: Interpretation.

In this Bill, unless the context otherwise requires—

"Chairman" means the Chairman of the Council (*Hon. Emeka Ihedioha*).

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

"College" means the Federal Capital Territory College of Education established by section 1 of This Bill and "Colleges" shall be construed accordingly (*Hon. Emeka Ihedioha*).

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

"Council" means the Governing Council of the College established by section 2 of This Bill (*Hon. Emeka Ihedioha*).

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

"Congregation" means academic and non academic staff of the college with first degree either SA or SSC (*Hon. Emeka Ihedioha*).

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

"functions" includes powers and duties (*Hon. Emeka Ihedioha*).

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

"member" means a member of the Council including the Chairman (*Hon. Emeka Ihedioha*).

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

"Minister" means the Minister charged with responsibility for matters relating to the Federal Capital Territory (*Hon. Emeka Ihedioha*).

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

"Provost" means the Provost of the College appointed under section 9 of This Bill (*Hon. Emeka Ihedioha*).

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

"The person responsible for Education in the FCT" means the person appointed by the Minister to oversee the Education sector in the FCT (*Hon. Emeka Ihedioha*).

Question that the meaning of the words "The person responsible for Education in the FCT" be as defined in the interpretation to This Bill, put and agreed to.

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

Committee Recommendation:

Clause 25: Short Title.

This Bill may be cited as the Federal Capital Territory College of Education (Establishment, etc.) Bill, 2009 (*Hon. Emeka Ihedioha*) — *Agreed to.*

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

SCHEDULE

Section 2 (2)

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC.

Terms of Service

1. There may be paid to the members of the council or any committee, other than *ex-officio* members, such remuneration and allowances as may from time to time be determined by the Minister.
2. Where a vacancy occurs in respect of the membership specified in section 3 (1) (d), it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor in office and such successor shall represent the same interest as his predecessor.
3. The Council may act notwithstanding any vacancy in its membership or any defect in the appointment of a member or the absence of a member.

Proceedings

4. (1) The Council shall meet for the conduct of business at such times, places and on such days as the Chairman may appoint but shall meet not less than once every four months.
- (2) The Chairman may at any time at the request in writing of not less than 6 members, convene a meeting of the Council.
- (3) At any meeting of the Council the Chairman shall preside; but in his absence, members present shall elect one of their number to preside at the meeting.
- (4) Where the Council desires to obtain the advice of any person on any particular matter, the Council may co-opt persons who are not members of the Council but persons co-opted shall not be entitled to vote at a meeting of the Council.
- (5) The quorum of the Council shall be one half of the total members of the Council at least one of whom shall be a member appointed by the Minister.
- (6) Decisions of the Council shall be made on approval by a simple majority of members.

Miscellaneous

5. (1) The fixing of the seal of the College shall be authenticated by the signature of the Chairman, Provost and of some other members of the Council authorised generally or specially by the Council to act for that purpose.
- (2) Any contract or instrument which, if made or executed by a person other than a body corporate would not be required to be under seal may be made or executed on behalf of the College by any person generally or specially authorised to act for that purpose by the Council.
- (3) Any document purporting to be duly executed under the seal of the College shall be received in evidence and shall, unless the contrary is proved, be presumed to be so executed (*Hon. Emeka Ihedioha*).

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

Long Title:

A Bill for an Act to Establish the Federal Capital Territory College of Education, and Other Matters Connected Therewith (*Hon. Emeka Ihedioha*).

Question that a Bill for an Act to Establish the Federal Capital Territory College of Education, and Other Matters Connected Therewith 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 Bill for an Act to Establish the Federal Capital Territory College of Education, and Other Matters Connected Therewith, 2009 and approved Clauses 1 - 3, amended Clause 4, approved Clauses 5 - 17, amended Clauses 18 and 19, approved Clauses 20 - 25, 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.

11. Adjournment:

That this House do now adjourn till Tuesday, 27 October, 2009 at 10.00 a.m. (*Hon. Ita Enang*).

Adjourned accordingly at 4.22 p.m.

Dimeji Sabur Bankole
Speaker