



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Wednesday, 5 May, 2004

1. The House met at 2.40 p.m. Mr Speaker read Prayers.
2. **Votes and Proceedings:**
Mr Speaker announced that he had examined and approved the Votes and Proceedings of Tuesday, 4 May, 2004.

By unanimous consent, the Votes and Proceedings were adopted.

3. **Messages from the President of the Federal Republic of Nigeria:**
Mr Speaker read two Messages from the President, Commander-in-Chief of the Armed Forces of Nigeria:
(i)



PRESIDENT

OWBIBO FEDERAL REPUBLIC OF NIGERIA

PRES/134

30 March, 2004.

*The Honourable Speaker,
House of Representatives,
National Assembly Complex,
Three-Arms Zone,
Asokoro - Abuja.*

Dear Hon. Speaker,

PRESENTATION OF A BILL: DOMESTICATION OF THE INTERNATIONAL CONVENTION ON CIVIL LIABILITY FOR OIL POLLUTION DAMAGE 1969 AS AMENDED

I hereby present, for formal consideration and passage into law by the House, a Bill for an Act to enable effect to be given in the Federal Republic of Nigeria to the International Convention on Civil Liability for Oil Pollution Damage 1969 as amended and for matters connected therewith.

I hope the Bill will receive prompt attention of Honourable Members of the House.

Yours sincerely,

OLUSEGUN OBASANJO

(ii)



**PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA**

PRES/134

30 March, 2004.

The Honourable Speaker,
House of Representatives,
National Assembly Complex,
Three-Arms Zone,
Asokoro - Abuja

Dear Hon. Speaker,

**PRESENTATION OF A BILL: DOMESTICATION OF THE INTERNATIONAL
CONVENTION ON THE ESTABLISHMENT OF AN INTERNATIONAL FUND FOR
COMPENSATION FOR OIL POLLUTION DAMAGE**

I hereby present, for formal consideration and passage into law by the House, a Bill for an Act to enable effect to be given in the Federal Republic of Nigeria to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage 1971 as amended and for matters connected therewith.

I hope the Bill will receive prompt attention of Honourable Members of the House.

Yours sincerely,

(Signed)

OLUSEGUN QBASANJO

4. Announcements:

(i) Induction:

Mr Speaker read a letter from Hon. Ike Chinwo:



HON. (CHIEF) IKE CHINWO
(OBIO/AKPOR FEDERAL CONSTITUENCY, RIVERS STATE)
HOUSE OF REPRESENTATIVES
FEDERAL REPUBLIC OF NIGERIA

May 5, 2004.

The Rt Hon. Speaker,
House of Representatives,
National Assembly,
Abuja.

Sir,

ANNOUNCEMENT

On Sunday, April 25, 2004, the Bishop of the Niger Delta North Diocese, Rt Rev. A. C. O. Kattey, JP, inducted me into the Order of Knight of Saint Christopher, KSC, in an investiture ceremony which took place in Port Harcourt.

By this development, I am now entitled to be addressed as Sir, or use the letter KSC after my name.

May I, through this medium inform this honourable House and also entreat Members to join me in thanking God for His mercies.

Sincerely yours;

(Signed)

Hon. (Chief) Ike Chinwo, KSC.

(ii) Valedictory Session:

Mr Speaker announced that there would be a Valedictory Session in honour of Late Hon. Altine Idikwu, who died on Wednesday, 14 April, 2004, tomorrow, 6 May, 2004 at 10.00 a.m. He enjoined Members to attend the Session promptly.

5. Petitions:

(i) Termination of Appointment: Mr Sunday J. Amen:

Hon. David Ikoko presented a petition on behalf of Mr Sunday J. Amen, a former employee of Federal Ministry of Health. The petitioner claimed that his appointment was wrongfully terminated by the National Institute for Pharmaceutical Research and Development on 29th April 2003. He prayed the House to prevail on the Institute to reinstate him.

(ii) Termination of Appointment: Mr Olufemi Olusesi:

Hon. Oluwale Oke presented a petition on behalf of Mr Olufemi Olusesi, a former employee of Federal Polytechnic Ede, Osun State. The petitioner claimed that he was wrongfully terminated in December 2001 by the Institution. He prayed the House to intervene with a view to reinstating him.

(iii) Ejection: Miss Okeke Anthonia:

Hon. Mao Ohuabunwa presented a petition on behalf of Miss Okeke Anthonia, an employee of the Nigeria Social Insurance Trust Fund, Garki, Abuja. The petitioner claimed that she was forcefully ejected from her house by the Office of the Head of Civil Service of the Federation on 6th March 2001. He prayed the House to prevail on the Office of the Head of Civil Service of the Federation Ministry to enable her regain possession of her house.

6. Police Stoppage of Peaceful Assembly and Denial of Freedom of Movement:

Motion made and Question proposed: "The House, Notes that on Monday, May 2004, in the afternoon hours, a group of Nigerians under the auspices of Nigerians United for Democracy (NUD) tried to assemble at Mabushi area of Abuja, FCT, with a view to proceeding on a peaceful procession to express their opinion and grievances over the state of public affairs in the country;

Aware that the Nigerian Police resorted to high-handedness by arbitrarily and illegally denying these Nigerians their basic constitutional rights to assembly and free movement, through the mobilization and deployment of security personnel and disproportionate armament and a further unwarranted, unprovoked and unjustified deployment of tear-gas and other instruments of subjugation and coercion;

Further aware that the rights to peaceful assembly and freedom of movement are guaranteed by Sections 40 and 41 of the 1999 Constitution;

Realises that no law can supercede the Constitution and that the Public Order Act, which the Nigeria Police relies upon to insist that Nigerians need a "permit" in order to exercise their legitimate Constitutional rights is, itself, inconsistent with the letter and the spirit of the 1999 Constitution and is therefore null and void;

Re-affirms the commitment of this Honourable House to the protection of our citizens' rights to peaceful assembly and freedom of movement and other rights guaranteed by the 1999 Constitution;

Resolves to:

(a) condemn any and all attempts, actions, inactions, whatsoever, howsoever and by whomsoever—be they police, security agents, etc.—to trample upon, deny, suppress and/or, in any way, repress the rights of Nigerians to peaceful assembly and association, the right to freedom of movement and other rights as enshrined in the 1999 Constitution;

(b) call on the Inspector-General of Police and the Police, generally, to henceforth desist from denying Nigerians their rights to assembly and freedom of movement and as a matter of urgency order the immediate release of all Nigerians detained in connection with the planning, preparation and execution of the peaceful assembly of May 3, 2004 in Abuja, otherwise known as "Mass Action";

- (c) *mandate the Committees on Internal Affairs, Police, Judiciary, Justice and Human Rights to immediately come up with proposals to amend the Public Order Act to make it conform with the provisions of the 1999 Constitution" (Hon. Ahmed M. Salik and 13 others).*

Debate:

Question put and negatived.

5. Consideration of Reports

Ad-hoc Committee on Pension Reforms:

Motion made and Question proposed, "That this House do resume the consideration of the Report on the Ad-hoc Committee on Pension Reform on the Bill for an Act to Repeal the Pensions Act, 1990 and to Establish a Contributory Pensions Scheme for employees in the Public and Private Sectors in the Federal Republic of Nigeria and for Matters Connected Therewith, 2003, and approve the Recommendations therein" (Hon. Abdul Ningi).

Question put and agreed to.

Question, That the House do resolve into the Committee of Whole to consider the Report — agreed to.

Question, that Order VII Rule 2, (2) of the Standing Orders of the House be suspended to enable Mr Speaker preside in the Committee of Whole to consider the Report — agreed to.

(HOUSE IN COMMITTEE)

(Mr. Speaker in the Chair)

A BILL FOR AN ACT TO REPEAL THE PENSIONS ACT, 1990 AND TO ESTABLISH A CONTRIBUTORY PENSIONS SCHEME FOR EMPLOYEES IN THE PUBLIC AND PRIVATE SECTORS IN THE FEDERAL REPUBLIC OF NIGERIA AND FOR MATTERS CONNECTED THEREWITH, 2003

Committee Recommendation:

Clause 19: Retirement account and remittance of contributions, etc.

- (1) The Board created under Section 23 of this Act shall maintain a retirement account in the name of each employee in the service of the arm of the public service being served by the Board.
- (2) The Board shall cause to be entered into the retirement account of each employee all the contributions made by or in respect of the employee.
- (3) All interests earned or returns received upon the investment, realisation of investment of the fund, shall be calculated at the end of each financial year, pro-rated and credited to the account of each employee.
- (4) The employer shall—
 - (a) deduct at source, the monthly contribution of the employee in his employment;
 - (b) not later than 7 working days from the day the employee is paid his salary, remit an amount comprising the employee's contribution under paragraph (a) of this subsection and the employer's contribution to the Federal Public Service Pensions Board.
- (5) Upon receipt of the contributions remitted under paragraph (b) of Subsection (4) of this section, the Federal Public Service Pensions Board shall not later than three working days disburse the amount received to each of the Funds established under Sub-Part C of this Part in relation to the appropriate arm of the public service of the Federation remitting the contributions. *(Hon. Abubakar Momoh).*

Amendment Proposed:

Leave out all the words in Subclause (1) and insert the following provision as contained in Clause 12 (1) of the Principal Bill:

12.—(1) Every employee shall maintain an account, (in this Act referred to as "retirement savings account") in his name with any pension fund administrator of his choice (*Hon. Tergu Tsegba*).

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

Consequential Amendments:

(i) Leave out all the words in Subclause (2) and insert the following provision as contained in Clause 12 (2) of the Principal Bill:

12.—(2) The employee may, not more than 4 times in a year, transfer the retirement savings account maintained under Subsection (1) of this section from one pension fund administrator to another without adducing any reason for such transfer.

(ii) Leave out all the words in Subclause (3) and insert the following provision as contained in Clause 12 (3) of the Principal Bill:

12.—(3) The employee shall notify his employer of the pension fund administrator chosen and the identity of the retirement savings account opened under Subsection (1) of this section.

Amendment Proposed:

In line 1 of Clause 12 (2), leave out the figure "4" and insert the figure "2" instead thereof (*Hon. Binta Kaoje*).

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

Chairman to report progress.

(HOUSE IN PLENARY)

Mr Speaker in the Chair, reported that the House in the Committee of Whole considered the Report of the *Ad-hoc* Committee on Pension Reform on the Bill for an Act to Repeal the Pensions Act, 1990 and to Establish a Contributory Pensions Scheme for Employees in the Public and Private Sectors in the Federal Republic of Nigeria and for Matters Connected Therewith, 2003, and approved Clause 12 (1), (2) as amended and (3) of the Principal Bill subject to rescission.

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

8. Adjournment:

That this House do now adjourn till Thursday, 6 May, 2004 at 10.00 a.m. (*Hon. Abdul Ningi*).

Adjourned accordingly at 5.25 p.m.

Aminu Bello Masari
Speaker