



# HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA VOTES AND PROCEEDINGS

Thursday, 13 May, 2004

1. The House met at 11.05 a.m. Mr Deputy Speaker read Prayers.
2. **Votes and Proceedings:**  
Mr Deputy Speaker announced that he had examined and approved the Votes and Proceedings of Wednesday, 12 May, 2004.

*By unanimous consent, the Votes and Proceedings were adopted.*

3. **Presentation of Report:**  
*Motion made and Question proposed.* "That this House do receive the Report of the Joint Committee on Justice and Science and Technology on the Bill for an Act to Enable Effect to be Given in the Federal Republic of Nigeria to the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction and for Purposes Connect Therewith, 2004" (Hon. Alex Nwofe).

*Question put and agreed to.*

*Report laid.*

4. **Consideration of Reports:**
  - (i) **A Bill for an Act to Provide for the Amendment of Small and Medium Scale Industries Development Agency (Establishment, etc.) Act, 2003 and for Matters Connected Therewith, 2004 (Committee of Whole):**  
*Motion made and Question proposed.* "That this House do consider the Bill for an Act to Provide for the Amendment of Small and Medium Scale Industries Development Agency (Establishment, etc.) Act, 2003 and for Matters Connected Therewith, 2004" (Hon. G. E. Nnaji).

*Question put and agreed to.*

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

**(HOUSE IN COMMITTEE)**

**(Mr Deputy Speaker in the Chair)**

**A BILL FOR AN ACT TO PROVIDE FOR THE AMENDMENT OF SMALL AND MEDIUM SCALE INDUSTRIES DEVELOPMENT AGENCY (ESTABLISHMENT, ETC.) ACT, 2003 AND FOR MATTERS CONNECTED THEREWITH**

**Clause 1:**

**Amendment of 2003 No. 16**

The Small and Medium Scale Industries Development Agency (Establishment, etc.) Act, 2003 (in this Act referred to as "the Principal Act") is hereby amended as set out in this Act (Hon. G. E. Nnaji) — Agreed to.

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

**Clause 2: General amendment.**

The Principal Act is amended by substituting for the words "Small and Medium Scale Industries Development Agency" wherever they appear in the Principal Act, the words "Small and Medium Scale Enterprises Development Agency of Nigeria" (*Hon. G. E. Nnaji*) — Agreed to.

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

**Clause 3: Amendment of Section 28.**

Section 28 of the Principal Act is amended by substituting for the definition of "Agency" a definition as follows—

"Agency" means Small and Medium Scale Enterprises Development Agency of Nigeria established under Section 1 of this Act (*Hon. G. E. Nnaji*) — Agreed to.

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

**Clause 4: Short Title.**

This Act may be cited as the Small and Medium Scale Enterprises Development Agency (Amendment) Bill, 2004 (*Hon. G. E. Nnaji*) — Agreed to.

*Question that Clause 4 stand part 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 Provide for the Amendment of Small and Medium Scale Industries Development Agency (Establishment, etc.) Act, 2003 and for Matters Connected Therewith and approved Clauses 1, 2, 3 and 4.

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

**(ii) A Bill for an Act to Amend the Electoral Act 2002 and for Purposes Connected Therewith, 2004 (Committee of Whole):**

*Motion made and Question proposed, "That this House do consider the Bill for an Act to Amend the Electoral Act 2002 and for Purposes Connected Therewith, 2004" (Hon. G. E. Nnaji).*

*Question put and agreed to.*

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

**(HOUSE IN COMMITTEE)**

*(Mr Deputy Speaker in the Chair)*

**A BILL FOR AN ACT TO AMEND SECTIONS 131 AND 132  
OF THE ELECTORAL ACT, 2002**

**Clause 1: Proceedings to question an Election.**

Section 131 of the Electoral Act, 2002 (hereinafter in this Act referred to as "the Principal Act") is amended by substitution of the following for the said section—

- (1) No election and no return at an election under this act shall be questioned in any manner other than by a petition complaining of an undue return (in this Act referred to as an "election petition") presented to the competent tribunal or court in accordance with the provisions of the Constitution or of this Act, and in which the person elected or returned is joined as a Party.
- (2) In this Section "tribunal or court" means—
  - (a) in the case of Presidential Election, the Court of Appeal;

- (b) in the case of National Assembly, Governorship and Legislative Houses of Assembly Election, the Election Tribunal established by the Constitution or by this Act; and
  - (c) in the case of an Area Council in the Federal Capital Territory, an Area Council Election Tribunal.
- (3) The Election Tribunals provided for under the constitution and this Act shall be constituted not later than 14 days before the Election, but not more than 60 days after the election.
- (4) (a) There shall be established for the Federal Capital Territory (FCT) the Area Council Election Appeal Tribunal which shall to the exclusion of any other court or tribunal hear and determine appeals arising from the decision of the Area Council Election Petition Tribunal.
- (b) The decision of Area Council Election Appeal Tribunal in respect of Area Council election shall be final.
- (5) An Area Council Election Tribunal shall consist of a Chairman and four other members—
- (a) The Chairman shall be a Chief Magistrate and the four other members shall be appointed from among Magistrates of the Judiciary of the Federal Capital Territory, Abuja and Legal practitioners of at least 10 years post-call experience, non-Legal practitioners of unquestionable integrity or other members of the Judiciary of the Federal Capital Territory, Abuja not below the rank of Magistrate.
  - (b) An Area Council Election Appeals Tribunal shall consist of a Chairman and four other members. The Chairman shall be a Judge of the High Court and the four other members shall be appointed from among Judges of the High Court of the Federal Capital Territory, Abuja, Kadis of the Sharia Court of Appeal of the Federal Capital Territory, Abuja, Judges of the Customary Court of Appeals or other members of the Judiciary of the Federal Capital Territory, Abuja not below the rank of Chief Magistrate.
  - (c) Subject to the express provisions of this Act, the practice and procedure of the Area Council Election Tribunal shall be governed by the Magistrate Court of the Federal Capital Territory Civil Procedure Rules.
  - (d) Subject to the express provisions of this Act, the practice and procedure of the Area Council Appeals Tribunal shall be governed by the High Court of the Federal Capital Territory Civil Procedure Rules.
- (6) The Chairman and members of the Area Council Election Tribunal and Area Council Appeal Tribunal shall be appointed by the Chief Judge of the Federal Capital Territory, Abuja (*Hon. G. E. Nnaji*) — *Agreed to*.

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

**Clause 2: Time for Presenting Election petition.**

Section 132 of the Principal Act is amended by the substitution of the following for the said section—

An election petition Under this Act shall be presented within Thirty (30) days from the date the result of the election is declared, or Twenty-one (21) days after constitution of the election tribunal (*Hon. G. E. Nnaji*) — *Agreed to*.

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

**Clause 3: Short title.**

This Act may be cited as the Electoral Act, 2002 (Amendment) Act, 2004 (*Hon. G. E. Nnaji*) — *Agreed to*.

*Question that Clause 3 stand part 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 Amend Sections 131 and 132 of the Electoral Act, 2002 and approved Clauses 1, 2 and 3.

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

**5. Ad-hoc Committee on Pension Reforms:**

*Motion made and Question proposed, "That this House do resume consideration of 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 approve the Recommendations therein" (Hon. G. E. Nnaji).*

*Question put and agreed to.*

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

**(HOUSE IN COMMITTEE)**

*(Mr Deputy 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 24: Functions of the Board.**

The functions of the Board shall be to—

- (a) collect the contributions of the employers and employees in the public service to the Scheme;
- (b) disburse contributions and other monies received by it on behalf of officers in the public service of the Federation to the Funds established pursuant to Sub-Part D of this Part, in the case of civil servants and to the Board of Trustees, in the case of scheduled parastatals for the management of the pension fund and payment of gratuity and pension;
- (c) prepare and submit annual audited accounts to the Commission established pursuant to Section 35 of this Act not later than three months after the end of each financial year;
- (d) ensure that actuarial valuation of the pension scheme is carried out by the Funds and Board of Trustees at least once in three years;
- (e) establish the broad policies and guidelines for the management and administration of the Fund in accordance with the overall objective of this Act;
- (f) approve the investment policies, standards and procedures which the Fund Management and Investment Committee shall adhere to in accordance with a standard which a person of ordinary prudence would exercise in dealing with the property of others;
- (g) approve the appointment of pension fund administrators for the Funds and other public service schemes on the recommendation of the Funds and Board of Trustees;
- (h) prescribe the procedure for the payment of retirement benefits from the Funds to those entitled under this Act or as may be required for the purposes of this Act;

- (i) to approve an annual budget for the administration of the Funds,
  - (j) to monitor and review the implementation of the investment strategies including performance against the benchmarks set therein;
  - (k) to commission, from time to time, independent assessments of the investment performance of the Funds; and
  - (l) to approve the annual reports of the Fund Management and Investment Committee before submission to the President and the Public Accounts Committees of the National Assembly.
- (2) The Board shall have all such other powers as are necessary or expedient for the performance of its functions (*Hon. Abubakar Momoh*) — *Agreed to.*

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

**SUB-PART D—ESTABLISHMENT OF FEDERAL PUBLIC SERVICE PENSION FUNDS  
AND PENSION FUNDS INVESTMENT AND MANAGEMENT COMMITTEES**

**Committee Recommendation:**

**Clause 25: Establishment of Public Service Pension Funds.**

- (1) There is hereby established the following Funds to be known respectively as—
- (a) Federal Civil Service Pension Fund for officers in the civil service of the Federation not otherwise provided for in this section;
  - (b) Federal Capital Territory Pension Fund for officers in the service of the Federal Capital Territory;
  - (c) The Armed Forces Pensions Fund for officers in the service of the Nigerian Armed Forces, that is the Nigerian Army, the Nigerian Navy and the Nigerian Air Force;
  - (d) The Police Pension Fund for officers in the service of the Nigeria Police Force;
  - (e) the Customs, Immigration and Prisons Pension Fund for officers in the service of the Nigerian Customs Service, Nigerian Immigration Service and the Nigeria Prisons Service; and
  - (f) the Security Agencies Pensions Fund for officers in the service of the Defence Intelligence Service, the National Intelligence Service and the Department of State Security Services,

(in this Act referred to as the "Funds"), for the purpose of meeting the cost of the gratuities, pensions and other retirement benefits of retired employees who have worked in the service of the respective agencies of the Government of the Federation.

- (2) Notwithstanding anything to the contrary in the Act or instrument setting up any agency, body, institution or parastatal in the public service of the Federation not mentioned in Subsection (1) of this section, there shall be created or constituted by such agency, body, institution or parastatal, an occupational scheme to which this Part shall apply in relation to funding and investment of funds as if it were a Fund herein created and, with regards to its operation and management, the provisions of Part IV of this Act shall apply *mutatis mutandis*.
- (3) Each Fund shall be a body corporate with perpetual succession and a common seal and power to sue and be sued in its corporate name and to acquire, hold and dispose of land or an interest in land, and to acquire, hold and dispose of any other property.
- (4) There shall be paid into each Fund an amount equivalent to five per cent of the total personal emoluments of all persons in the service of the organisation in respect of which a Fund is established.

- (5) The amount payable pursuant to Subsection (3) of this section shall be a charge upon the Consolidated Revenue Fund of the Federation.
- (6) The Accountant-General of the Federation is hereby authorised without further assurance to deduct directly the amount specified in Subsection (3) of this section and shall promptly remit the amount so deducted to the Board.
- (7) A Fund shall consist of—
  - (a) an amount disbursed to it by the Board representing—
    - (i) the five per cent of the total personal emoluments of all persons in the service of the organisation in respect of which a Fund is established and payable to a Fund pursuant to Subsection (3) of this section;
    - (ii) the monthly contribution of each employer of the organisation in respect of which a Fund is established;
    - (iii) the contribution of the employees in the employment of the organisation in respect of which a Fund is established;
  - (b) the yearly budgetary allocation by the National Assembly for the payment of the pension and other retirement benefits of pensioners who retired from service before the commencement of this Act;
  - (c) any transfer of assets accepted by the Fund pursuant to Section 30 (5) of this Act; and
  - (d) all income accruing from whatsoever source, and any donations, bequests or other gifts and funds, investments, policies, monies and property from time to time received by and for the time being held by the Fund Management and Investment Committee for the account of the Fund by way of addition or accretion (*Hon. Abubakar Momoh*) — *Agreed to.*

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

**Committee Recommendation:**

**Clause 26: Establishment of Fund Management and Investment Committees.**

- (1) There is hereby established Fund Management and Investment Committees (in this Act referred to as the "Committees").
- (2) The Fund Management and Investment Committees shall be responsible for the day to day administration, management and investment of the Funds created pursuant to Section 25 of this Act (*Hon. Abubakar Momoh*) — *Agreed to.*

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

*Chairman to report Progress.*

**(HOUSE IN PLENARY)**

Mr Deputy Speaker in the Chair, reported that the House in the Committee of Whole considered the Report of the *Ad-Hoc* Committee on Pension Reforms 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 Clauses 24, 25 and 26. It observed that the Report had established a number of bureaucratic bodies with serious financial implications capable of negating the objectives of the Bill. Accordingly, it ordered the Special *Ad-Hoc* Committee to revisit the Report and address this concern.

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

**6. Adjournment:**

That this House do now adjourn till Tuesday, 18 May, 2004 at 10.00 a.m. (*Hon. G. E. Nnaji*).

*Adjourned accordingly at 12.40 p.m.*

**Austin A. Opara**  
*Deputy Speaker*