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HOUSE OF REPRESENTATIVES
FEDERAL REPUBLIC OF NIGERIA

Wednesday, 15th July, 2009

The House met at 2.45 p.m.

PRAYERS

(The Deputy Speaker in the Chair)

VOTES AND PROCEEDINGS

The Deputy Speaker: Hon. Colleagues, the House is called to order. I have examined and approved the Votes and Proceedings of Tuesday, 14th July, 2009.

ANNOUNCEMENT

**Visit of National Association of Political Science
Students Ahmadu Bello University, Zaria**

The Deputy Speaker: We have in the Gallery today the National Association of Political Science Students, Ahmadu Bello University, Zaria.

You may stand up for recognition please.

(Students rose up accordingly)

PRESENTATION OF PUBLIC PETITIONS

The Deputy Speaker: Any Member who has a Petition to present to the House may, please, rise to do so.

**Wrongful Dismissal staff from the Service of the
University Teaching Hospital, Enugu**

Hon. Ogbuefi Ora Ozomgbachi (Ezeagu/Udi): Mr. Speaker, I have with me a Petition from sixty-five members of my Constituency who complained that they have been wrongfully disengaged from the services of University Teaching Hospital (UNTH), Enugu. These aggrieved persons have approached this House to intervene on their behalf and prevail on UNTH, Enugu to reinstate them into their employment.

With the kind permission of Mr. Speaker, I will lay the Petition on the Table?

Petition laid.

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The Deputy Speaker: In the absence of any other Petition, the Petition is hereby referred to Committee on Public Petitions.

Petition accordingly referred to the Committee on Public Petitions.

PRESENTATION OF BILLS

The Deputy Speaker: The first business of the day is Presentation of two Bills. The Clerk is invited to do so.

Corporate Prostitution (Prohibition) Bill, 2009

Corporate Prostitution (Prohibition) Bill, 2009 (HB. 258) – presented by Hon. Femi Gbajabiamila; *read the First Time.*

Electoral Debate Commission Bill, 2009

Electoral Debate Commission Bill, 2009 (HB. 259) – presented by Hon. Femi Gbajabiamila; *read the First Time.*

PRESENTATION OF REPORT

**Report of the Joint Committee on Federal
Capital Territory and Federal Capital Territory
Area Councils and Ancillary Matters**

The Deputy Speaker: The second Business of the Day is Presentation and Adoption of the Report of the Joint Committee on Federal Capital Territory and Federal Capital Territory Area Councils and Ancillary Matters on the Virement of Funds from the Federal Capital Territory 2009 Statutory Budget standing in the name of Hon. Ali Aidoko Atai Usman.

Hon. Members would recall that the Statutory Budget was referred to the Joint Committee on Tuesday, 23rd June, 2009. The Report is now ready for presentation and adoption.

Hon. Ita Enang, is this Joint Committee Report ready for presentation and adoption or is it ready for presentation only?

Hon. Ita Enang (Itu/Ibiono Ibom): It is ready for Presentation and Adoption, Mr. Speaker.

The Deputy Speaker: What do you mean by Presentation and Adoption? What you mean is that if

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we adopt the Report now, we do not need to consider it in the Committee?

Hon. Ita Enang: Yes, Mr. Speaker. It is just virement as it is. Members have been given copies.

The Deputy Speaker: It is all right. The Report is ready for Presentation and Adoption. Hon. Ali Usman is invited to present the Report.

Hon. Atai Aidoko Ali (Ankpa/Omala/Olamaboro): I move that this House do Receive and Adopt the Report of the Joint Committee on the Federal Capital Territory and the Federal Capital Territory Area Councils and Ancillary Matters on the request made to the House of Representatives by the President of the Federal Republic of Nigeria for Virement from the Federal Capital Territory 2009 Statutory Budget.

Hon. Bala Almu Banye (Batagarawa/Charanchi/Rimi): I rise to second the Motion moved by Hon. Aidoko Ali.

Question put and agreed to.

Resolved: That this House do receive and adopt the Report of the Joint Committee on the Federal Capital Territory and the Federal Capital Territory Area Councils and Ancillary Matters on the request made to the House of Representatives by the President of the Federal Republic of Nigeria for Virement from the Federal Capital Territory 2009 Statutory Budget.

ORDERS OF THE DAY

CONSIDERATION OF BILLS

Political Parties Registration and Regulatory Commission Establishment) Bill, 2009

A Bill for an Act to Establish the Political Parties Registration and Regulatory Commission and for Other Matters Connected Thereto, 2009 (HB. 237) –

Order for Second Reading.

The Deputy Speaker: The first Order of the Day is commencement of debate on the General Principles of a Bill for an Act to Establish the Political Parties Registration and Regulatory Commission and for Other Matters Connected Thereto, 2009.

Hon. Olufemi Gbajabiamila (Surulere I): Point of Order, Mr. Speaker!

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The deputy Speaker: What Point of Order, Hon. Gbajabiamila?

Hon. Olufemi Gbajabiamila (Surulere 1): Mr. Speaker, I come under Section 4 of the Constitution which says:

The Legislative Powers of the Federal Republic of Nigeria shall be vested in the National Assembly, and the National Assembly shall consist of the Senate and the House of Representatives.

This particular Bill has come up in the Senate and it has been thrown out by the Senate. Therefore, it is dead on arrival in this House. I so submit.

Hon. Ita Enang: There are two Chambers of the National Assembly sitting independently. The House is to consider a Bill, pass or reject it as the House deems fit.

At this stage the Bill is for Second Reading. If the Hon. Member wants to oppose it, he can raise his point of opposition when he comes to speaking on the Bill. At this stage the Bill is for Second Reading.

I pray that Mr. Speaker rule my Colleague out of Order.

The Deputy Speaker: Hon. Gbajabiamila is ruled out of Order.

MATTER OF URGENT PUBLIC IMPORTANCE

Hon. Mohammed Ali Ndume (Damboa/Gwoza/Chibok): Point of Order, Mr. Speaker! My Point of Order is Order VIII, Rule (4)(1) of our Revised Standing Orders at page 25 dealing with Matter of Urgent Public Importance. With your permission I read:

The matter for discussion shall, if possible, be referred to the Speaker prior to the commencement of the day's sitting and the Speaker shall refuse to allow the claim unless he is satisfied that the matter is definite and urgent.

The Deputy Speaker: Did you refer the matter to me prior to the day's sitting?

Hon. Mohammed Ali Ndume: I did, Mr. Speaker.

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The Deputy Speaker: What is it about?

Hon. Mohammed Ali Ndume: It is on Appropriation Act as considered by this House yesterday.

The Deputy Speaker: Yes but we concluded that matter yesterday, did we not?

Hon. Mohammed Ali Ndume: There are matters arising from the consideration. I am just asking so that it will be taken tomorrow if it is the wish of the House.

The Deputy Speaker: But I do not think the leave of the Speaker was granted.

Hon. Mohammed Ali Ndume: But I sought your permission.

The Deputy Speaker: You do not only need to seek the permission of Mr. Speaker; he has to grant the request which I know I have not granted.

Hon. Mohammed Ali Ndume: May be you forgot.

The Deputy Speaker: No, I did not forget.

Hon. Mohammed Ali Ndume: It is all right, Mr. Speaker. What do I do now? Do I bring it as a Motion?

The Deputy Speaker: If you have the Motion, it is all right. You can take your Motion to the Chairman, Rules and Business Committee. That is the normal way of presenting a Motion.

Hon. Mohammed Ali Ndume: Thank you, Mr. Speaker.

The Deputy Speaker: You are ruled out of Order.

As I was saying before Hon. Gbajabiamila raised his Point of Order, the Second Order of the Day is commencement of debate on the General Principles of a Bill for an Act to Establish the Political Parties Registration and Regulatory Commission and for Other Matters Connected Thereto, 2009.

The Bill was read for the First Time on Wednesday, 13th May, 2009. I now invite Hon. Tunde Akogun to move that the Bill be now read the Second Time. *(No response)*

Hon. Ita Enang, please?

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Hon. Ita S. J. Enang: Mr. Speaker, with due respect, may the Bill be stood down. The Leader is on an official assignment, courtesy of the Speaker, Sir. Mr. Speaker had asked the Leader to represent him.

The Deputy Speaker: It is all right.

Hon. John Halims Agoda (Ethiope East/Ethiope West): Apart from that, Mr. Speaker, the Bill is now the property of this House. We all have gone through it and it is a pity that the Leader is not here now. Otherwise, the Bill can be thrown away, not through the method my hon. Colleague pointed out but on the basis of our Constitution. The Bill before us does not specifically say constitutional Amendment; what this Bill requires us to do is to amend the Constitution itself because the subject matter of the Bill has been copiously provided for in the Constitution and the responsibility has been given to INEC.

As a Parliament, if we are to concede these functions and responsibilities as ascribed to this Bill by the Executive Arm of Government, then there is the need to expunge completely the same functions that were given to INEC to control under the Constitution. Therefore, we cannot take it.

Hon. Leonard Okuweh Ogor (Isoko North/Isoko South): Arising from what Hon. Halims Agoda has said, we all know that the Constitution of the Federal Republic of Nigeria, 1999 is the *grundnorm* of our laws and under Part I of the Third Schedule and specifically under Items 14 and 15, the Functions that this Commission seeks is the specific Functions of INEC and Mr. Speaker knows that it is a settled principle - *(Interruptions)*

The Deputy Speaker: Are you leading the debate?

Hon. Leonard Okuweh Ogor: I am killing the Bill.

The Deputy Speaker: No, it is not time to kill the Bill.

Hon. Leo Ogor: I rest my case till the Bill comes to the Floor.

The Deputy Speaker: Thank you. The Bill is stood down.

Bill with the leave of the House stood down.

**Chartered Institute of Shipping of
Nigeria (Establishment) Bill, 2009**

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A Bill for an Act to establish the Chartered Institute of Shipping of Nigeria and to Regulate the Profession of Shipping and for Related Matters, 2009 (HB. 207) -

Order for Second Reading.

The Deputy Speaker: The Third Order of the Day is commencement of debate on the General Principles of a Bill for an Act to Establish the Chartered Institute of Shipping of Nigeria and to Regulate the Profession of Shipping and for Related Matters. The Bill was read the First Time on Thursday, 7th May 2009.

I invite Hon. Adamu Gora Kalba to move that the Bill be read for the Second Time.

Hon. Adamu Gora Kalba (Kaltungo/Shongom): Mr. Speaker, I rise to move that a Bill for an Act to Establish the Chartered Institute of Shipping of Nigeria and to Regulate the Profession of Shipping and for Related Matters, 2009 be read the Second Time.

Hon. Peter Linus Umoh (Oron/Mbo/Okobo/Udung Uko/Urue Offong/Oruka): Mr. Speaker, I beg to second the Motion.

Question proposed.

Hon. Adamu Gora Kalba: Mr. Speaker, this Bill is a very simple and straightforward Bill. It is related to Shipping Profession of Nigeria.

Nigeria is a nation blessed with maritime resources. We have an extensive ocean coastline as well as vast inland waterways. We also have a shipping dependent, vibrant import and export driving market. These complement the many committed and dedicated indigenous shipping practitioners in the sector. About 90 percent of Nigeria's External Trade is seaborne and it generates 75 per cent of total cargoes weight of the West African Sub-Region both by sea and by air.

The Chartered Institute is seeking legal battle to issue professional certificate. It is also meant to have people who have verified qualification to be chartered professionals. Professional qualification and education is the bedrock for the entrenchment of professional excellence by practitioners of the Maritime Transport; a system in which ships and boats interplay and also interact with other services and it is a *sine qua non* for economic success of any nation.

There is the absence of professional shipping

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institutions in Nigeria today. This has robbed shipping practitioners of the requisite status among their international peers and indeed the country of its place in

the comity of maritime nations. Indeed, our practitioners currently go abroad for certification and training. For example, they go to the Institute of Shipping Executives in the United Kingdom, the Institute of Port Administration in the United Kingdom and the Institute of Shipping in Canada.

Professor A. J. Fapohunda, in one of the papers he presented said and I quote:

As a nation, the time has come for us to have our own home-grown Marine Education. For Nigerians to continue to write foreign correspondence professional examination is neo-colonialism.

This Bill for an Act to Establish the Chartered Institute of Shipping of Nigeria and to regulate the Profession of Shipping and for Related Matters seeks to establish a Chartered Institute of Shipping of Nigeria (CISN). The Bill objectively defines a shipping practitioner, sets out educational, training practice as well as ethical standards for practitioners in Nigeria.

The Chartered Institute of Shipping of Nigeria (CISN) will be to Shipping Practitioners, what ICAN is to Accountants, COREN to Engineers, NIA to Architects, GMC to Doctor and so on. This Bill is, therefore, aimed at developing the Maritime Transport Sector in Nigeria.

In a nutshell, the passage of this Bill will, among others, ensure that most qualified and experienced practitioners remain in the frontline of the practice. It will also ensure that the innocent and unsuspecting public are not exposed to the vices of quacks. It will also ensure that definition of shipping professional is objective. It will give technical credibility to human operators in the Sector. It will stimulate the psyche of practitioners to professionalism. By raising the professional bar, it will provide employment opportunities for Nigerian operators in this Sector.

It will also provide and enhance an advanced training and will save the scarce foreign exchange currently being spent by our practitioners in certified training institutions abroad. Ultimately, it will serve as a catalyst for developing home-grown Shipping and Maritime professionals and boost an ideal of initiative such as Cabotage.

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My Colleagues, this Bill does not seek to establish a parastatal but a body that will fund itself from the fees that will be generated by the registration of Members. This Bill is very important at this time when the Maritime Sector is undergoing restructuring.

I will appreciate this linkage between the shipping and our petrol-based economy. The CISN will provide the foundation for active indigenous participation in human element of the Shipping Sector. This therefore is vital legislative input to the overall being of this sector.

I therefore urge my hon. Colleagues to support this Bill to move to the next stage of the legislative agenda.

Hon. Leonard Okuweh Ogor (Isoko North/Isoko South): Mr. Speaker, first, I commend my brother for coming up with such a wonderful Bill. As a lawmaker, I am amazed that even as a nation with all the potentials available to us; with all the reverie areas, we do not even have a Chartered Institute of Shipping and it is quite worrisome.

What this Bill is seeking, among other things, is standardisation, enhancement of professionalism and putting Nigerians among the best and ranking among equal. This is a Bill that at end of the day, Nigeria would benefit immensely from. It would give us the opportunity of giving to the young generation a standard shipping arrangement that will end up creating employment for the Nigerian people.

This Bill, as I have already said, is creating a level playing ground whereby any Nigerian that is involved in this institution would be seen or would have the capacity to practice everywhere. It would at the end of the day, as the Mover of the Motion said, save our scarce foreign reserves or resources. You will find out that the Chartered Shippers we have in this Nation are all trained in the United Kingdom, America or any other country, which at the end of the day creates a major capital flight. If we can establish this particular institution, it would enhance the economy of our great Nation and create an opportunity for the Shipping industry

Therefore, I appeal to every Member that we should support this Bill.

Hon. Sokonte H. Davies (Degema/Bonny): Mr. Speaker, I rise to support that this Bill be read the Second Time. This is because this Bill seeks to standardise the practice of Shipping in this nation. This desire is in consonance with what is obtainable elsewhere where Shipping is recognised as a profession.

Presently as it is obtainable in this country, anything seem to be acceptable without a proper body to train and regulate the practice of Shipping. That is why our Shippers find it difficult to compete with their counterparts outside the shores of this nation.

However, when this law is passed and it becomes operational, it would put them at par and to be able to

compete with others so that they too will benefit what is accruable to professionals like themselves. This would have direct and positive impact on the socio-economic wellbeing of this nation.

I, therefore, use this opportunity to urge all our Members to give this Bill the support it deserves to pass through the Second Reading.

Hon. John Halims O. Agoda (Ethiopia East/Ethiopia West): Mr. Speaker, let me interestingly say that the Bill before us this morning is in line with what Section 40 of the 1999 Constitution of our great country prescribed, that is, the right of group of persons that believe in their common destiny and economic goal and objective to come together and form an association for the benefit of themselves and for the general good of the society.

By your permission, My Speaker, let me read Section 40 of the 1999 Constitution. It says;

Every person shall be entitled to assemble freely and associate with other persons and in particular he may form or belong to any political party, trade union or any other association for the protection of his interests;

Provided that the provisions of this section shall not derogate from the powers conferred by this Constitution on the Independent National Electoral Commission with respect to political parties to which that Commission does not accord recognition.

Therefore, this Bill is a complete fulfilment of Section 40 of the 1999 Constitution.

Nigeria, as a nation, has large and extensive maritime resources as a people with large and extensive ocean; large and extensive coastline; and indeed with large and extensive waterways. We also have in place what is called the Nigerian Shippers Council Regulatory Agency. The role of this Agency that is already in existence is that of enforcement of the existing law to

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ensure that the practitioners of this profession conform to the ethics, ethos and to the dictates of the profession as defined by their common objective and in line with international standards.

Nevertheless, what our friend and brother is bringing before us today is in furtherance of enhancing the value of that profession by calling on this honourable House to approve the establishment of an Institute.

The difference between this and the regulatory Agency is that the Institute when established by the Act of this Parliament will help to set up a standard and put in place the value of what is obtainable in other countries of the world. The combination of the Institute and the regulatory Agency that is on ground will push our Maritime industry and the country with large and vast attributes of imports and exports into greater height in terms of shipping as a profession.

With these few comments, I urge this honourable House to support this Bill.

Hon. Aminu Shehu Shagari (Yabo/Shagari): Mr. Speaker, I wish to lend my support to this very important Bill brought by my neighbour and brother, Hon. Kalba Adamu.

The Bill seeks to establish a body to be called the Chartered Institute of Shipping of Nigeria and to vest in it the duty for the advancement of Shipping in Nigeria; to determine the level of knowledge and skills for membership; to register such members and to do generally anything they deem fit for the enhancement of this industry.

Shipping has played a vital role in the development of economies and countries around the globe from time immemorial and it would continue to do so for many more years to come. By 2020, this great country would be among the twenty most developed countries in the world by the special grace of God. We will be building our own ships and transporting our finished products from Ajaokuta Steel Company Limited to other countries around the globe.

What I am trying to say is that this very important sector cannot be left unmanaged. It cannot be left in the hands of quacks and non-professionals and that is what this Bill is seeking to establish. As such, I am urging my hon. Colleagues to support this Bill and allow it to be read the Second Time.

Hon. Emmanuel Jime (Makurdi/Guma): Mr. Speaker, I also would like most humbly to lend my

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support to this Bill. In my view, this Bill represents an attempt to reform the Shipping profession by paying attention to the qualification of those who are practitioners in the Shipping industry. No doubt, there is need for this Institute especially now that we are engaged in an effort to bring qualified Nigerian to take over Shipping.

I believe this Institute, when established, will make the Cabotage law that this Parliament had already passed to be more meaningful. As we all know, the intention of the Cabotage law is precisely so that Nigeria Shippers and those who practice the Shipping

profession in this country will take advantage of that law and aspire to the commanding heights in the Shipping industry.

I also know, as a fact, that in this august Chamber, we are today engaged and looking at the Local Content law in the Petroleum and Gas sector and one of the characteristics of the law that I believe this Parliament will pass in due course is to ensure that Nigerians take commanding heights in the Shipping and Marine industry as far as the shipping of petroleum and gas products in this country are concerned.

Therefore, I cannot find a more important Bill in our time that we will allow for Nigerians to be effectively involved in the Shipping industry. The timing of this Bill is very right and it is apt. This is the time more than ever that we can pass an instrument such as this because what it does is to enable the reform efforts that are taking place in all the other subsectors of the economy linked to the Marine and Shipping industry. Therefore, I believe it is a proper Bill for us to pass and I am recommending very seriously that our Colleagues will consider it worthy a Bill that we should pass with no hesitation.

Hon. Mohammed Abubakar Maifata (Tarauni): Mr. Speaker, I rise to support this Bill to pass the Second Reading. This institute when established will, among other things, have so many benefits. This institute will ensure the advancement of Art and Science in the Shipping industry that will determine the standard of knowledge and skill to be attained by persons seeking to become registered members of the Institute.

It will promote the highest standard of competence and practice in accordance with the provision of this Act and ensure the maintenance of registered Members of the profession and the publication from time to time of the list of those involved in the Shipping industry. All these four advantages I mentioned are not there and

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they are the ingredients that will sustain the Shipping industry for future development.

I urge my Colleagues to, please, allow this Bill to be read the Second Time because of the enormous importance of this sector to the economy.

Hon. Abubakar Shehu Bunu (Bungudu/Maru): Mr. Speaker, Shipping is one of the most vital means of transport particularly for the heavy duty ones and the shipping of goods from one country to another even though Shipping is capital intensive business which indeed is a very sensitive part of our economy in this country. So, I very much welcome and accept any form of laws that will promote the institute that will be established for the purpose of Shipping in this country.

I urge my Colleagues to support this Bill totally and allow it to be read the Second Time.

Hon. Emeka Nkem Ihedioha (Aboh Mbaise/Ngor Okpala): Mr. Speaker, I rise to support this laudable Bill which, as you are aware, we began working on last term but we could not make significant progress because of time. I therefore commend Hon. Kalba, the Deputy Chairman of the Committee Marine Transport for being proactive and for the effort he has put in so far to push for the enactment of this Act.

You will agree with me that because of the potentials of the Nigerian nation in the Maritime industry this Bill is apt; it is a must, it is positive and it meant well. This Bill reminds me of the earlier Bill this House passed that standardised the regulation of the practice of freight forwarding in Nigeria.

If we do not standardise the practice of the Shipping profession we cannot raise the bar. If we do not standardise the practice we cannot build up capacity which we need for the full operation of the Cabotage law and indeed for the enhancement of our Maritime industry.

I urge my Colleagues to support this Bill. I do profess that this Bill is good and well meaning. The Bill is timely. It will enhance Nigeria's potentials and capacity. It will indeed create jobs which is one of the fundamental achievements that we, as the representative of the Nigerian people, will be proud to be associated with because it will not only raise capacity but will create jobs for our teeming population. It will also help Nigeria to continue to play in the league of developed maritime nations.

I therefore urge my Colleagues to support the

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passage of this Bill through Second Reading and hopefully that the Bill will see the light of the day and signed into law as one of those Bills that will continue to drive Nigeria's economy.

The Deputy Speaker: I will put the Question that the Bill be read the Second Time.

Question put and agreed to.

Bill read the Second Time and referred to the Committee on Marine Transport.

Prompt Payment and Other Related Purposes, Bill 2009

A Bill for an Act to Provide for Prompt Payment and Other Related Purposes, 2009 (HB. 208) –

Order for Second Reading.

The Deputy Speaker: The Third Order of the Day is commencement of debate on the General Principles of a Bill for an Act to Provide for Prompt Payment and Other Related Purposes, 2009.

The Bill was read the First Time on Tuesday, 12th May, 2009. I now invite Hon. Godfrey Gaya to move that the Bill be now read the Second Time. *(No response)*

Hon. Ita Enang, what happened to Hon. Gaya?

Hon. Ita S. J. Enang (Itu/Ibiono Ibo): Mr. Speaker, he assured that he would be here to take the Bill. May the Bill be stood down. I think there is a mix up. It should be titled: Prompt Payment of Salaries and for Job Done.

The Deputy Speaker: The Bill is stood down.

Bill with the leave of the House stood down.

National Consumer Credit Regulatory Commission (Establishment) Bill 2009

A Bill for an Act to Establish the National Consumer Credit Regulatory Commission (NCCRC) for the General Regulation of Consumer Credit and Information in Nigeria, Registration of Credit Bureau and Credit Providers, Promotion of Fair Access to Consumer Credit and Economic Empowerment of Nigerians, Prohibition of Unfair Credit Marketing Practices and Other Matters Connected Therewith, 2009 (HB. 209) -

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Order for Second Reading.

The Deputy Speaker: The fourth Order of the Day is commencement of debate on the General Principles of a Bill for an Act to Establish the National Consumer Credit Regulatory Commission (NCCRC) for the General Regulation of Consumer Credit and Information in Nigeria, Registration of Credit Bureau and Credit Providers, Promotion of Fair Access to Consumer Credit and Economic Empowerment of Nigerians, Prohibition of Unfair Credit Marketing Practices and Other Matters Connected Therewith, 2009.

The Bill was read the First Time on Tuesday 12th May, 2009. I now invite Hon. Patrick Asadu to move that the Bill be read the Second Time.

Hon Patrick Oziokoja Asadu (Nsukka/Igboeze South): Mr. Speaker, I move that a Bill for an Act to Establish the National Consumer Credit Regulatory Commission (NCCRC) for the General Regulation of Consumer Credit and Information in Nigeria, Registration of Credit Bureau and Credit Providers, Promotion of Fair Access to Consumer Credit and Economic Empowerment of Nigerians, Prohibition of Unfair Credit Marketing Practices and Other Matters Connected Therewith be read the Second Time.

Hon. Sani Mohammed Aliyu Rano (Rano/Bunkure/Kibiya): Mr. Speaker, I rise to second the Motion.

Question proposed.

Hon. Patrick O. Asadu: This Bill had been laid before this House in the last Session but nothing came out of it. I found this Bill very interesting because this is an economy that needs some kick-starting especially for the poor; we need to protect our borrowers. We also need to protect our lenders as it were.

This Bill is a pro-poor Bill. It is a Bill that is aimed at poverty alleviation; it is aimed at making consumer credit available and accessible to those who need it and making it possible for the Government to regulate the market in such a way that the lenders and the borrowers are protected.

In Nigeria, there is a Credit Market; there are banks that give credit to those who meet their requirements. Some of us have been opportune to take some of those credits and the regulation and control of that is supposed to be under the CBN. However, way down the ladder especially at the lowest level of this

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economy there are credits that are being advanced to the needy people that are totally unregulated that leaves the borrower at the mercy of the lender. That does not encourage any small scale entrepreneur or any young person with ambition to start a business to access credit. This is because you will be taking these credits at the rate that you may not survive and even the lender does not have protection because he does not have enough information about the person he is giving credit to.

This Bill essentially is made to regulate the credit market in Nigeria for consumers. We are praying hon. Colleagues that we establish Credit Bureaus. These Credit Bureaus are meant to be credit agencies or registries that will access, collate, process and keep information about potential borrowers so that when you approach a lender he will be in a position to access how many other places you are owing similar credits and be in a position to determine the risk involved in advancing credit to you. Those who meet their credit obligations are given higher rating so that they access credit faster and even at reduced rate.

While this information is confidential, it is made available to the credit providers who are in a position to collect money from the savers and advance it to those who need it at regulated practices not at rates that are determined by the whims and caprices of the lender.

The essence of this Bill is that even though there are several laws in Nigeria, especially laws that have to do with the Community Banks; laws that have to do with dishonoured cheques, laws that have to do with Economic and Financial Crimes and the laws of Consumer Protection Council; none has actually been instrument to establish a particular body that has the duty of making sure that a borrower knows all he is supposed to know about the facilities he is taking and when he is expected to pay and that what he is paying is exactly what he is supposed to pay. Similarly nobody that is advancing money is given all the information about the borrower and where he has commitments. We believe that unfair access to credit is worse than not giving the person credit. Why we need credit to establish small scale industries in Nigeria is well known.

So, my Colleagues I pray that this House supports that this Bill be read the Second Time and be enacted into law to protect an economy that is protecting those who have at the expense of those who do not have.

The Deputy Speaker: I will now put the Question that the Bill be read the Second Time.

Question put and agreed to.

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Bill read the Second Time and referred to the Committee on Banking and Currency.

CONSIDERATION OF REPORTS

Report of the Ad-Hoc Committee on Niger Dock on the Investigation into Threats to National Security and Economic Interest of Nigeria at Niger Dock Premises

The Deputy Speaker: The fourth Order of the day is the consideration of the Report of the Ad-Hoc Committee on Niger Dock on the Investigation into Threats to National Security and Economic Interest of Nigeria at Niger Dock premises.

Hon. Members would recall that the Report was laid on Thursday, 4th December, 2008. Hon. Tunde Akogun will now move for the Consideration of the Report. *(No response)*

Hon. Ita Enang, please?

Hon. Ita Enang: With your leave, Mr. Speaker, I move that the House do consider the Report of the Ad-Hoc Committee on Niger Dock on the Investigation into Threats to National Security and Economic Interest of Nigeria at Niger Dock premises.

The Deputy Speaker: Are you part of the Committee?

Hon. Ita Enang: Yes, Mr. Speaker.

The Deputy Speaker: Are you the Chairman or the Deputy Chairman of the Committee?

Hon. Ita Enang: No, I am not.

The Deputy Speaker: Where is Hon. Tunde Akogun?

Hon. Ita Enang: Hon. Tunde Akogun has gone to represent the Speaker. As the procession was moving and as the Speaker was disengaging for another assignment, he asked him to go and represent him in the opening of a Public Hearing by the Committee on Justice.

The Deputy Speaker: What happens to the Second Reading of a Bill that is supposed to be presented by Hon. Tunde Akogun today?

Hon. Ita Enang: In such a case, the Bill may be stood down or another person will act in his stead.

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The Deputy Speaker: In the capacity of the Leader?

Hon. Ita Enang: In his stead.

The Deputy Speaker: Hon. Ita Enang, can you act in the capacity of the Leader?

Hon. Ita Enang: If you authorise me; yes I can. If you authorise me from the Chair to do a matter, I can.

The Deputy Speaker: Without that authorisation, you stood up and you were trying to lead the debate.

Hon. Ita Enang: No, it was at your prompting. You called me.

The Deputy Speaker: I called you to find out what happened which is normal.

Hon. Ita Enang: I did not know. May the Chair decide, please?

The Deputy Speaker: Chairman, Rules and Business Committee, when are you expecting the

Leader of the House back to the Chamber?

Hon. Ita Enang: Most certainly tomorrow.

The Deputy Speaker: Can we not wait until the Leader is back in the Chamber?

Hon. Ita Enang: As the House pleases.

The Deputy Speaker: The Report is stood down.

Report with the leave of the House stood down.

Report of the House Committee on Governmental Affairs on Use of Sirens in Nigeria (Regulation) Bill, 2009 (HB. 161)

(Second Allotted Day) (Adjourned Consideration: Wednesday, 13th May, 2009)

The Deputy Speaker: The Sixth Order of the Day is resumption of consideration of the Report of the Committee on Governmental Affairs on a Bill for an Act to Regulate the Use of Sirens in Nigeria and for Other Matters Connected Therewith, 2009.

Hon. Members would recall that on Wednesday, 13th May, 2009 consideration of the Report was

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deferred and the Bill recommitted to the House Committee on Governmental Affairs for representation.

I now invite Hon. Leo Ogor to brief the House on the Matter.

Hon. Leo Ogor: Mr. Speaker, with due humility, I move that this House do resume the consideration of the Report of the Committee on Governmental Affairs on a Bill for an Act to Regulate the Use of Sirens in Nigeria and for Other Matters Connected Therewith and approve the recommendations therein.

Hon. C. I. D. Maduabum (Nnewi North/Nnewi South/Ekwusigo): Mr. Speaker, I most humbly and respectfully second the Motion moved by Hon. Leo Ogor.

Question put and agreed to.

Resolved: That the House do resume the Consideration on the Report of the Committee on Governmental Affairs on a Bill for an Act to Regulate the Use of Sirens in Nigeria and for Other Matters Connected Therewith, 2009 and approve the recommendations therein.

**Report of the Committee on FCT on the
Federal Capital Territory Water Board
(Establishment) Bill, 2009**

The Deputy Speaker: The Seventh Order of the day is consideration of the Report of the Committee on FCT on a Bill for an Act to Establish the Federal Capital Territory Water Board and for Matters Connected Therewith 2009 (HB. 203).

The Bill was referred to the Committee of the Whole House on Thursday, 21st May, 2009. I now invite Hon. Ita Enang to move for the Consideration of the Bill.

Hon. Ita Enang: Mr. Speaker, I move that the House do consider the Report on a Bill for an Act to Establish the Federal Capital Territory Water Board.

Hon. Ndudi Godwin Elumelu (Aniocha North/Aniocha South/Oshimili North/Oshimili South): Mr. Speaker, I hereby second the Motion moved by Hon. Ita Enang.

Question put and agreed to.

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Resolved: That the House do consider the Report of the Committee on FCT on a Bill for an Act to Establish the Federal Capital Territory Water Board.

**Report of the Joint Committee on
Aids, Loans and Debt Management and
Commerce on National Institute of Credit
Administration (Establishment) Bill, 2008**

The Deputy Speaker: The eighth Order of the Day is the consideration of the Report of a Bill for an Act to Establish the National Institute of Credit Administration and for Matters Connected Therewith, 2008.

Hon. Members would recall that the Report was laid on Tuesday, 26th May, 2009. I now invite Hon. Abubakar A. Yari to move the Motion for Consideration of the Report. *(No response)*

Hon. Yari is not in the Chamber to take his Report. The Report is stood down.

Report with the leave of the House stood down.

The Deputy Speaker: I call on Hon. Ita Enang to move a Motion for the House to resolve into Committee of the Whole to consider these Reports.

Hon. Ita Enang: I move that the House do resolve into Committee of the Whole to consider the two Reports listed.

Hon. Alhassan Uba Idris (Dala): I stand to second the Motion.

Question put and agreed to.

House in the Committee of Whole

Report of the Committee on Governmental Affairs on a Bill for an Act to Regulate the Use of Sirens in Nigeria and for Other Matters Connected Therewith 2009 – CONSIDERED IN COMMITTEE OF THE WHOLE.

The Chairman: The first Report which is on a Bill for an Act to Regulate the Use of Sirens in Nigeria and for other Matters Connected Therewith, 2009 is to be presented by Hon. Leo Ogor, Chairman, Committee on Governmental Affairs. Hon. Leo Ogor, please.

Hon. Leo Ogor: Thank you, Mr. Chairman. I will give you briefly the summary of the Committee's recommendation.

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The Committee recommended that a person other than the President of the Federal Republic of Nigeria; the Vice President; President of the Senate; Speaker of the House of Representatives; Chief Justice of Nigeria; Deputy Senate President; Deputy Speaker of the House of Representatives; Governors; Deputy Governors; Speakers of States Houses of Assembly within their States shall not drive a vehicle on the highway or any road using sirens, flashers and beacon lights.

The Committee recommended also that the Armed Forces, Police, Para-military; Fire Service Department should also use Sirens. *(Interruptions)*

The Chairman: In that case, we had better take it one by one Hon. Leo. Let us just take the recommendations.

Hon. Leo Ogor: It is all right.

The Chairman: That is from page 3; Clause 1.

Clause 1 – (COMMENCEMENT)

Hon. Ahmed Mustapha (Bauchi): Clause 1 would have been all right if it did not state the following: *Be it enacted by the National Assembly of the Federal Republic of Nigeria.* It should read: *Enacted by the House of Representatives of the Federal Republic of Nigeria.*

This is a Bill being considered by the House of Representatives. If we pass it, it will go to the Senate for Concurrence.

The Chairman: Hon. Mustapha, if a law is enacted by the House of Representatives, does it become a law?

Hon. Ahmed Mustapha: With due respect, it does not become a law but it is also not binding on the Senate.

The Chairman: When you say *National Assembly*, it is only an amendment. If you look at the recommendation of the Committee, it is retained. It says: *Be it enacted by the National Assembly of the Federal Republic of Nigeria.* It is not a new provision but an existing provision of the Act.

Hon. Ahmed Mustapha: To that extent, I may concede.

The Chairman: Thank you.

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Clause 1 – (COMMENCEMENT) - ordered to stand part of the Bill.

Clause 2- ordered to stand part of the Bill.

Clause 3 – ordered to stand part of the Bill.

Clause 4- (PENALTY)

The Chairman: Hon. Colleagues, Clause 4 says: *A person who drives a vehicle with siren without certificate by the Federal Road Safety Commission should be liable on conviction to a fine not exceeding ₦50,000 (Fifty Thousand Naira) or one year imprisonment or both.*

I am of the view that ₦50,000 (Fifty Thousand Naira) will not deter people from using Siren because ₦50,000 to them is not a big money; they can pay and continue using it.

Hon. Leo Ogor: Mr. Chairman, with due respect, Sir, what we are trying to do is to empower the Commission responsible for regulating the use of siren to also certify the drivers. The issue of somebody using a vehicle without authorisation carries a penalty of ₦1,000,000 (One Million Naira).

The Deputy Speaker: One Million Naira?

Hon. Leo Ogor: Yes, Mr. Speaker. It is not too much considering the abuse of the usage of siren in this country at the moment where even market women and other persons are now using siren on the highway. I think the time has come for us to stop these excesses. I believe if it is possible for us as a House, we should be able to address this issue once and for all.

This issue specifically borders on certifying the drivers. It therefore means that for you to be able to drive a vehicle that carries a siren it must be certified by the Road Safety Commission. That is the essence of that Clause but the decision is left for the House.

Hon. John Halims O. Agoda (Ethiope East/Ethiope West): Mr. Chairman, I have an observation in respect of Section 4(a) which provides as follows:

A person who –

- (a) *contravenes the provision of Section 2(2)(a) and (b) commits an offence and is liable on conviction to a fine not*

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exceeding One Million Naira (₦1,000,000) or one year imprisonment or both and confiscation of the vehicle and the device of printing in the case of second offender.

Yes, we are trying to cure what perhaps may be an ill in the society, that is, the indiscriminate use of siren by some people in our society. When we are passing a law, you do not have to have a fixed mind on the category of persons. The law is assumed to operate across board; whether those high in the society or those low in society or those who are in the middle position in the society.

Yes, it is true that we are out to fight against this ill but compliance, efficacy and enforceability of law is not necessarily on the quantum of the sum of money that should serve as punishment or the number of years therein. It is the behavioural attitude and those operating the law and the authority concerned that serves as example to people.

Now, I can afford to pay one million Naira if I am found guilty but what about in circumstances that compel our drivers or ordinary people that warrants them either mistakenly or intentionally and they are found guilty; then they will be asked to pay ₦1 million. It does not sound well at all.

The Chairman: I think drivers will pay ₦50,000.00 (Fifty Thousand Naira).

Hon. Halims O. Agoda: What about this one that I am reading?

The Chairman: The last one is for the drivers; that is what he explained.

Hon. Halims O. Agoda: Who are the categories of people that are to pay ₦1,000,000? One Million Naira is too much.

The Chairman: The Chairman of the Committee should respond to that.

Hon. Leo Ogor: Mr. Chairman, it is important that I educate my Colleague on this issue. First, let me state clearly that judicial matters in line with Section 6 of our Constitution are clearly vested in the Court.

What we as a Committee is saying is that the issue of fine is at the discretion of the Judge, but that it should not be more than ₦1 million. The Judge may decide to impose a fine of ₦20,000 or ₦40,000; that is at the

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discretion of the Judge and that is why he is there as a Judge.

We went further to say that when somebody is a second offender on an issue, the vehicle should be seized and the person that commits the offence made to pay the penalty. These are also left to the discretion of the Judge. These are issues where we are not fixing the specific amount to be paid but we have left it to the discretion of the Judge.

Hon. David O. Idoko (Ado/Ogbadibo/Okpokwu): I have a comment to make on Section 4(d). Is there a provision for the certification of drivers who use siren? If there is none, then a provision must be made. Is there an express provision on its own?

Hon. Leo Ogor: The function is clearly there under the regulatory function of the Road Safety Commission. What we are trying to say is that it is important that the drivers are certified by the Road Safety Commission.

Hon. David O. Idoko: Mr. Chairman, there should be provision of the law that says drivers must be certified to be able to drive a car with siren and that level of certification must be defined. Unless you make that provision, you cannot say *if you are not certified*. In retrospect, the Committee may have to go back and make provision for drivers to be certified.

The Chairman: Do you have that provision in the Road Safety Act?

Hon. Andrew I. Uchendu (Ikwerre/Emohua): I think it is important that we be referred to that relevant Section because it is not good for us to assume, please.

Hon. Leo Ogor: Mr. Chairman, I think he should look at Section 10(3)(p) of the Act that states as follows:

Regulating the use of siren, flashers and beacon lights on vehicles other than

ambulances and vehicles belonging to the Armed Forces, Nigeria Police, Fire Service and other Paramilitary Agencies.

That is the function. We have given that particular function to regulate in the Act itself.

Hon. Patrick A. Ikhariale (Esan Central/Esan West/Igueben): Mr. Chairman, I have listened to Hon. Leo Ogor. I had thought that he had an express provision in the Federal Road Safety Act that gave him,

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if you like, the courage to ask for additional requirement on the part of the drivers. I think that it is the owner or whoever the driver is carrying that we have specifically outlined as those who should be qualified to use siren. What the driver deserves and the much that he has is the drivers' licence and if he has that, he is qualified to drive and to that extent, he is qualified to drive whoever has the siren or not.

To my mind, to impose additional requirement on the driver of a vehicle that has a siren is going beyond the dictates of this particular enactment or law. I had thought there was specific provision but from what he read, it is abundantly clear that there is nothing to that effect and to that extent, we should take a second look at it or possibly delete this particular part.

The Chairman: Do we need a special driver to drive a car with siren?

Hon. David O. Idoko (Ado/Ogbadibo/Okpokwu): Mr. Chairman, as my hon. Colleague read, regulating is not the same thing as making provisions to say you must carry this certificate. To require that somebody be certified, you must have a status to that effect and unless you have that status, you cannot go and sanction the person for not carrying his certification.

With the explanation given by Hon. Patrick Ikhariale, we have to delete that or they must go back and make that provision.

The Chairman: It is not only going back; there are so many ways of doing it. We do not have to refer the Report back to the Committee. That one can be deleted.

Hon. Abubakar Mohammed Maifata (Tarauni): I would like to suggest that we remove the words *certification by Road Safety* so that it will read thus: *A person who drives a vehicle with siren who does not fall on the list as provided in the Schedule to this Act should be liable on conviction to a fine not exceeding Fifty Thousand Naira or one year imprisonment or both.*

Not exceeding means that it can be a fine of five, ten, twenty, thirty or fifty Naira.

The Chairman: Hon. Leo Ogor, do you want to reframe it?

Hon. Leo Ogor: Mr. Chairman, we know definitely that this is a specialised place and you have seen the problems that we have been having with the

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issue of drivers' licence in our country. However, if it is the opinion of the House that it is not necessary, it can be deleted; it makes no difference.

However, because of the risk and the manner these people drive on the road sometimes, we were thinking that they should be certified as competent and great professionals to carry on that job but if the House thinks otherwise, it can be deleted.

The Chairman: I will put the Question that Section 4(d) be deleted.

Amendment put and negatived.

The Deputy Speaker: It means Section 4(d) stands. The issue he raised on Section 4(a) is that ₦1 million is too harsh. But Hon. Halims is saying it should not exceed ₦1 million. It may be ₦200,000.

Hon. Halims Agoda: When you give such leverage to a Judicial Officer like a Judge for him to now have the opportunity to make pronouncement up to this amount, the human minds are not the same.

You have given the latitude that yes; the Judge can go to this extent. My worry is that we should not give such opportunity to the Judge to take up to that extent because we are in a society where we are just developing.

Our society has not gotten to that level like the Western world where everything is perfect and where the attitudinal behaviour of the society has been equally moulded. Therefore, when you give a Judge the opportunity, he can expand it.

The Deputy Speaker: What is your opinion, Hon. Halims Agoda?

Hon. Halims Agoda: I object to the ₦1 million in a law of this nature passed by the Parliament. To me it should not be more than ₦200,000 or ₦400,000 as the case may be but definitely not ₦1 million.

Hon. Leo Ogor: We realised that this issue of siren came out of its abuse. Who are the people that are even using sirens in this country? They are the wealthy people. The essence of making any law is not for the law to be broken. What we have done here is not to fix a specific amount and we have said that this fine should not exceed the stated amount.

I believe there is nothing wrong with this particular provision.

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The Deputy Speaker: I will put the Question that Section 4(a) be retained.

Amendment put and agreed to.

Hon. Andrew Uchendu (Ikwerre/Emohua): Mr. Chairman, we may need to define Section 4(d) since we have retained it because driving a vehicle with Siren is not the same thing as driving with siren. Therefore, there should be a Definition so that lawyers like Hon. C.I.D. Maduabum and others will not play with us on this.

The Deputy Speaker: It is all right. Chairman, Committee on Governmental Affairs, let it be part of the definition.

Section 4- (PENALTY) – ordered to stand part of the Bill.

Clause 5 – ordered to stand part of the Bill.

Citation (CLAUSE 6) – (FEDERAL ROAD SAFETY COMMISSION (ESTABLISHMENT) ACT (AMENDMENT) BILL, 2009 – ordered to stand part of the Bill.

SCHEDULE

Schedule 1 - (THE PRESIDENT OF THE FEDERAL REPUBLIC OF NIGERIA) - agreed to.

Schedule 2 - (THE VICE PRESIDENT OF THE FEDERAL REPUBLIC OF NIGERIA) – agreed to.

Schedule 3 - (THE PRESIDENT OF THE SENATE) – agreed to.

Schedule 4 - (THE SPEAKER OF THE HOUSE OF REPRESENTATIVES) – agreed to.

Schedule 5 - (DEPUTY PRESIDENT OF THE SENATE) – agreed to.

Schedule 6 - (DEPUTY SPEAKER OF THE HOUSE OF REPRESENTATIVES) – agreed to.

Schedule 7 - (THE CHIEF JUSTICE OF NIGERIA) – agreed to.

Schedule 8 - (STATE GOVERNORS, AND THEIR DEPUTIES) – agreed to.

Schedule 9 - (HOSPITALS, WHILE ON

EMERGENCY DUTIES) – agreed to.

Schedule 10 - (FIRE SERVICE WHILE ON EMERGENCY DUTIES) – agreed to.

Schedule 11 - (ARMED FORCES WHILE ON EMERGENCY DUTIES) – agreed to.

Schedule 12 - (NIGERIA POLICE WHILE ON EMERGENCY DUTIES) – agreed to.

Hon. Chuka Nwauwa (Ohaji/Egbema/Oguta/Oru): Mr. Chairman, one of the problems we have is the use of siren by bullion van drivers conveying money. If we say: *Nigeria Police while on emergency duty* it may be necessary to define whether or not it involves a bullion van with two, three or four Policemen inside. They are a major menace on the roads.

Secondly, if we are saying all these people are going to be using siren, we must define the word *emergency*. In Abuja should we allow everybody on this list to use Siren? I think the list should be divided into two; Speakers do not need to use Siren in Abuja but they can use it in their States.

What I am saying is that we have to define *Bullion Van and such movements with money*. Do they constitute the Nigeria Police while on emergency duties?

The Chairman: The Chairman of the Committee will answer that question.

Hon. Leo Ogor: I think the issue of Bullion Vans is a different issue entirely because how you carry your own business should not interfere with the business of the public. You will find out that the issue of Bullion Vans has already become a nuisance.

What they should do is to make sure that they have enough security in carrying their resources. It is not by the noise that you make while carrying this funds that really protect the funds. They end up creating more problems than expected. Therefore, giving them this privilege will be a major mistake.

The Chairman: What you are saying now is that the escort of Bullion Vans by men of the Nigeria Police does not constitute part of their emergency duties?

Hon. Leo Ogor: Exactly; it is only when they are chasing criminals.

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The Chairman: Then there is the need to define this explicitly whether or not it includes Bullion Vans carrying money with Siren chasing everybody out of the roads.

Hon. Leo Ogor: I am sure the Clerk will take note of that.

The Chairman: No, you have to write that one, not the Clerk.

Hon. Leo Ogor: It is all right. I will do it right away, Mr. Chairman.

Hon. Sani Mohammed Takori (Gunumi/Bukkuyum): Mr. Chairman, I have to observe that the Interpretation Section is one of the fundamental sections in an enactment because it defines crucial terms which are subject to interpretation by a Court of law.

We have mentioned emergencies for the Armed forces, the Nigeria Police and so on. There is need for this Bill to go further and define these things because if we pass it in this Chamber, we have to come back again and consider these terms. I am sure the Report is incomplete.

The Chairman: Let us reduce the work by dealing with this issue. *Paramilitary Agencies while on emergency duties*. Who are the Paramilitary Agencies that will be on emergency duties?

Hon. Leo Ogor: Mr. Chairman, you know Paramilitary Agencies such as the Civil Defence Corps are also involved in checking oil bunkering and so on. Sometimes when they are chasing criminals, we should give them the privilege of using Siren.

The Chairman: What of their Chief Executives because they will hide under this cover.

Hon. Leo Ogor: Their Chief Executives are not allowed. We have spelt out those people that can use the Siren.

Hon. C.I.D Maduabum: Mr. Chairman, as my Colleagues have said, this is one law that is in dire need of a Definition Section because Hon. Leo Ogor's words or my words in this House are not enough. We have to go and do the Definition Section of what Paramilitary Agencies mean.

The Chairman: Let us accept this one and when they finish the definition they will bring it back.

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Hon. C.I.D Maduabum: It is all right. Then, I would like No. 9 to read *Minister of the Federal Capital Territory*. I want to include him in the Schedule. The reason is that under Abuja he is practically a Governor and, therefore, he should be included.

The Chairman: Then, you will have to change his name.

Hon. C.I.D. Maduabum: I am saying, with due respect, that in Abuja here we cannot say a Minister of the Federal Capital Territory that goes to receive Presidents, Heads of States cannot use Siren; it is not workable.

The Chairman: If he is receiving a President, the Siren will be blown for the President. He will go like any other Minister.

Hon. C.I.D. Maduabum: He is the Governor of Abuja. I am moving that the Minister of Federal Capital Territory should be included here. (*Interruption*)

The Chairman: Please, let us allow Hon. C.I.D. Maduabum to move his Amendment. Go ahead.

Hon. C.I.D. Maduabum: Mr. Chairman I am saying this with due respect that the Minister of the Federal Capital Territory is the direct representative of Mr. President.

The Chairman: I am not in the mood of killing your Amendment but if the President had directed another Minister to receive the visiting President, would your question have been different?

Hon. C.I.D Maduabum: I am just using that as an instance

The Chairman: Is there any other instance other than the one you have given?

Hon. C.I.D Maduabum: Yes. The reason is that he is the Chief Executive of a quasi-State in the Federation as the Constitution says. In fact, the Constitution says the Federal Capital Territory on some issues should be regarded as one of the States of the Federation. It therefore means that the person administering this territory can be called an Administrator. It is very critical; it is not a personal issue.

Hon. Abubakar Mohammed Maifata (Tarauni): The two Ministers we had from 2003 to date were not using Siren. Mallam El-Rufai did not use Siren and the

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present Minister is not using Siren.

Hon. Ita Enang: The Minister of the Federal Capital Territory is not a Governor, he is the Minister of the Federal Capital Territory and he is a Minister in the Government just assigned as Minister of the Federal Capital Territory.

By virtue of just assigning him to that office does not make him a Governor. If we insist on that, then it will water down this Bill and the essence will be defeated.

So I pray that we do not accede to the proposal by Hon. C.I.D. Maduabum.

Hon. Aminu Shehu Shagari (Yabo/Shagari): Mr. Chairman I would like to second the Amendment ably moved by Hon. C.I.D. Maduabum because we have some States with only one roundabout and their Governors are using Sirens. So I see no reason the Minister of the Federal Capital Territory should not be allowed to use Siren.

Amendment put and negatived.

Schedule 13 - (PARA-MILITARY AGENCIES WHILE ON EMERGENCY DUTIES) – agreed to.

Schedule 14 – (SPEAKERS OF STATE HOUSES OF ASSEMBLY WITHIN THEIR STATE) - agreed to.

Schedule 15 – (CHAIRMEN OF STATE COUNCIL OF CHIEFS (ONE IN EACH STATE)

The Chairman: I will put the Question that Schedule 15 stand part of the Bill. *(Interruptions)*

Hon. Nkem Emeka Ihedioha (Aboh Mbaire/Ngor Okpala): Mr. Chairman, let me kindly urge us to extend respect to our traditional institutions. It is important that while political office holders enjoy the respect of this House, we should also give respect to custodians of our culture. It is in deference to our antecedence that we give them this due. I urge all of us to kindly allow our Royal Fathers one per State to enjoy this privilege.

Schedule 15 – (CHAIRMEN OF STATE COUNCIL OF CHIEFS (ONE IN EACH STATE) – agreed to.

Hon. Shittu Yusuf Galambi (Gwaram): Mr. Chairman, I would like to add that all First-class Emirs

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should also use Siren in their areas of jurisdiction because they are also highly respected.

The Chairman: It has been ruled on. In some States you will find about 20 First-class Emirs. If you have four First-class Emirs in your State, it is only one that is recognised.

Explanatory Memorandum – (THIS BILL SEEKS TO AMEND THE FEDERAL ROAD SAFETY COMMISSION ACT, 2007 BY REGULATING THE USE OF SIRENS, FLASHERS AND BEACONS IN NIGERIA AND ALSO PROVIDE PUNISHMENT FOR THE OFFENDERS)

The Chairman: Hon. Leo Ogor, based on the observation made by Hon. Takori and Hon. C.I.D. Maduabum, you have to work on the definitions of all these that you have enumerated here and the Long Title of the Bill.

Hon. Leo Ogor: Mr. Chairman that will be ready for your consideration tomorrow.

Hon. Ita Enang: Please, I will ask one question after proposing an Amendment on the Explanatory Memorandum. I pray that the Explanatory Memorandum should read: *This Bill amends the Federal Road Safety Commission (Establishment) Act, 2007 and not seeks to amend at this stage.*

Mr. Chairman, may I ask the Chairman of the Committee a question?

The Chairman: Go ahead.

Hon. Ita Enang: The question is whether the Corp Marshal of the Federal Road Safety Commission is included among those who are to use Siren?

Hon. Leo Ogor: In the Civil Service, it is the file that speaks and in this place we have not made any provision for him. So there is no way he can use siren.

Hon. Sani Sale Minjibir (Minjibir/Ungogo): Mr. Chairman, the observation I just want to bring to the notice of the House is that since obviously the use of the siren is like a claim to right of way on all roads including Federal Highways, do you not think that it would be taking it too far in a situation where we give a blank cheque to all the people on this list to block roads as we had seen in so many instances?

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The Chairman: These are not the ones that are blocking the roads.

Hon. Sale Sani Minjibir: They are the ones.

The Chairman: They are not. I have never blocked roads.

Hon. Sale Sani Minjibir: A Governor would be travelling to Kaduna from Abuja and would block the road; is it right for everybody here on this list to block roads? We have to specify who among those is entitled to at least have Federal Highways all to himself and that should be the exclusive preserve of the President, Commander-in-Chief of this country.

The Chairman: Hon. Sani Sale Minjibir, you are ruled out of Order in this case.

Hon. Halims John Agoda (Ethiope East/Ethiope West): There is a poser here. When we pass a law we look at the issue of enforceability. Will this law, if passed, be enforceable?

Let us look at a scenario where a junior Road Safety Officer is standing on the way to ensure that this law we are passing today must be implemented or should be implemented by this junior officer even including the number one Road Safety Officer.

If he or she is standing there and he sees the Inspector General of Police, the Chief of Air Staff and the Chief of Defence Staff coming with siren, can he or she arrest them?

The Chairman: Hon. Halims Agoda, the way we are now in this society, we are trying to effect a change. If we have resolved to do so, we are then saying that nobody is above the law.

If the law does not permit you to do it and you went ahead and did it, it is an infringement of the law. If the Inspector General of Police does that, it means he is not respecting the National Assembly or the President who gave assent to the Bill.

If the President who appointed him had assented to the law passed by the National Assembly of which Senate is part and he goes ahead and violates that law and he wants to remain in the office as Inspector General of Police, then there must be a question mark on his character. He cannot be a good Inspector General of Police; I am sorry to say.

An Hon. Member: What about the procedure?

The Chairman: The procedure is that he will pay a fine of ₦500,000 or ₦1,000,000 or both because the matter would be taken to court.

Hon. Ita Enang: Mr. Chairman, I want to raise another issue?

The Chairman: Go ahead.

Hon. Ita Enang: What is siren or what is worse than siren? If you ban somebody like the Road Safety Commission from using siren and in front of him are four BMW motorcycles mounted with armed officers, blocking every other thing; he has not made noise by way of siren but what those motorcycles are intended to do or do is to block people and clear the road for him.

The Chairman: We are not talking of blockage but about siren.

Hon. Ita Enang: So, can he go with eight outriders in front of him and not make noise?

The Chairman: You can bring that issue as an Amendment to the Act. But for now, our subject matter is siren.

Hon. Ita Enang: We can define siren in the Definition Section to include *outriders*.

The Chairman: If you want an additional Amendment, you can come by way of a Bill.

Hon. Ita Enang: I will, Sir.

Hon. Andrew Uchendu (Ikwerre/Emohua): Since you have asked the Chairman of the Committee to define few areas, let him include in his Definition that the convoy of these categories of persons should not, in any form or shape, use stick or whip in moving along. This is very important because Nigerians are not beasts. The experience has been that because they are on siren you see a good number of them with whips flogging Nigerians by the roadside.

This definition should include the fact that using siren does not permit them to use horsewhip or stick.

The Chairman: Hon. Colleagues, I will read again the list of those who are allowed to use siren:

1. The President of the Federal Republic of Nigeria.
2. The Vice President of the Federal Republic of Nigeria.

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3. The President of the Senate.
4. The Speaker of the House of Representatives.
5. The Deputy Senate President.
6. The Deputy Speaker of the House of Representatives.
7. The Chief Justice of Nigeria.
8. State Governors and their Deputies
9. Hospitals while on Emergency Duties.
10. Fire Service while on Emergency Duties.
11. Armed Forces while on Emergency Duties.
12. Nigeria Police While On Emergency Duties.
13. Paramilitary while on Emergency Duties
14. Speakers of the State Houses of Assembly within their States
15. Chairmen of State Council of Chiefs (one in each State)

Explanatory Memorandum – (THIS BILL SEEKS TO AMEND THE FEDERAL ROAD SAFETY COMMISSION ACT, 2007 BY REGULATING THE USE OF SIRENS, FLASHERS AND BEACONS IN NIGERIA AND ALSO PROVIDE PUNISHMENT FOR THE OFFENDERS) – as amended agreed to.

Hon. Ita Enang: I move that the House do revert to Plenary.

Hon. Leo Ogor: I second the Motion that the House do revert to Plenary.

Question put and agreed to.

(The Deputy Speaker resumed the Chair)

The Deputy Speaker: The House in the Committee of the Whole considered the Report of the Committee on Governmental Affairs on the Federal Road Safety Commission (Amendment) Bill and approved as follows:

Approved Clauses 1 to 6;

Approved the Schedule and

Directed the Committee to provide the Definition and Long Title at the next Legislative Day.

Adoption of Report

Hon. Ita Enang: Mr. Speaker, I move that the

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House do adopt the Report of the Committee of the Whole on the Bill as reported.

Hon. Ekperikpe Ekpo (Abak/Etim Ekpo/Ika): I do second the Motion moved by Hon. Ita Enang.

Question put and agreed to.

Resolved: That the House do adopt the Report of the Committee of the Whole.

The Deputy Speaker: Hon. Leo Ogor, as a Speaker of the State House of Assembly, I have left my State to Abuja. Where do I terminate my Siren? Is it at the boundary?

Hon. Leonard O. Ogor: Mr. Speaker, when a Speaker leaves his State, he is no more a Speaker when he gets to another State.

The Deputy Speaker: The reason I asked the question is to provide an answer to Hon. Ita Enang. If you are a Speaker of a State House of Assembly and you are leaving your State for another, once you come to the boundary of your State, your wailing of your siren should cease; but the cars or motorcycles that are fitted with the siren would be following you because you will be coming back. As soon as you come back to

your State, the wailing of the siren could resume.

ADJOURNMENT

Hon. Ita Enang: I move that this House do stand adjourned till tomorrow Thursday, 16th July, 2009 at 10.00 a.m.

Hon. Sani Sale Minjibir: Mr. Speaker, I rise to second the Motion moved by Hon. Ita Enang that the House do stand adjourned till tomorrow Thursday, 16th July 2009 at 10.00 a.m.

Question put and agreed to.

Resolved: That the House do stand adjourned till tomorrow Thursday, 16th July, 2009 at 10.00 a.m.

The House adjourned accordingly at 4.55 p.m.