



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA

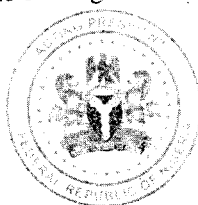
VOTES AND PROCEEDINGS

Tuesday, 23 May, 2017

1. The House met at 11.19 a.m. Mr Speaker read the Prayers.
2. **Votes and Proceedings**
Mr Speaker announced that he had examined and approved the *Votes and Proceedings* of Thursday, 18 May 2017.

The Votes and Proceedings was adopted by unanimous consent.

3. **Message**
Mr Speaker read a message from the Acting President, Federal Republic of Nigeria.



ACTING PRESIDENT
FEDERAL REPUBLIC OF NIGERIA

SH/Ag. PRESIDENT/HOUSE/02/5

16th May, 2017

His Excellency
Rt. Hon. Yakubu Dogara
Speaker
House of Representatives, Federal Republic of Nigeria
National Assembly Complex
Three Arms Zone
Abuja.

Dear Rt. Hon. Speaker,

**REQUEST FOR INCLUSION OF DEVELOPMENT BANK OF NIGERIA AND FUND FOR
AGRICULTURAL FINANCE IN NIGERIA INTO THE 2016-2018 EXTERNAL BORROWING
PLANS AS ADDENDUM**

6. **Petitions**

- (i) A petition from Adewale Moroof Adetona, on the termination of his appointment by First Bank of Nigeria Plc, was presented and laid by Hon. Olasupo Abiodun Adeola (Iseyin/Itesiwaju/Kajola/Iwajowa Federal Constituency); and
- (ii) A petition from Joseph Agbaji and 5 others, on the termination of their appointments and the transfer of their jobs to foreigners by the Exxon Mobil Plc, was presented and laid by Hon. Brown Randolph Iwo Oruene (Degema/Bonny Federal Constituency).

Petitions referred to the Committee on Public Petitions.

7. **Presentation of Bills**

The following Bills were read the *First Time*:

- (1) Credit Reporting Bill, 2017 (HB. 1033).
- (2) Nigeria Inland Waterways (Repeal and Re-Enactment) Bill, 2017 (HB. 1034).
- (3) National Library Act (Amendment) Bill, 2017 (HB. 1035).
- (4) Nigerian Legion Act (Amendment) Bill, 2017 (HB. 1036).
- (5) Armed Forces Act (Amendment) Bill, 2017 (HB. 1037).
- (6) Integrated Farm Settlement Centers Bill, 2017 (HB. 1038).
- (7) Tertiary Education Trust Fund Act (Amendment) Bill, 2017 (HB. 1039).

8. **Consolidation of Bills:**

Motion made and Question proposed, "That a Bill for an Act to Harmonize the Functions of the National Manpower Board and the National Planning Commission and Empower the National Planning Commission to Determine and Advise the Federal Government on the Nation's Manpower Needs in all Occupations and for Other Related Matters (HB. 285), and a Bill for an Act to Amend the National Planning Commission Act, Cap. N66, Laws of the Federation of Nigeria, 2004 to Provide for the Office of a Registrar of Non-Governmental Organizations Equivalent of a Director who shall be Saddled with the Mandate of Coordinating the Activities of these Institutions in line with National Planning and Development and for Other Related Matters (HB. 952) be now consolidated" (Hon. Olabode Ayorinde — Owo/Ose Federal Constituency).

Agreed to.

9. A Bill for an Act to Amend the National Board for Technical Education Act, Cap. N9, Laws of the Federation of Nigeria, 2004 to, among Other Things, Create a Distinct Commission for Polytechnics, Colleges of Technology and Other Similar Institutions for improved Educational Standards in those Institutions and for Other Related Matters (HB. 580) — *Second Reading*

Order read; deferred by leave of the House.

10. A Bill for an Act to Establish the Institute of Transport Administration of Nigeria charged with the Responsibility of Advancing the Study, Training and Practice of Transport Management and Administration in Nigeria and for Other Related Matters (HB. 623) — *Second Reading*
Motion made and Question proposed, "That a Bill for an Act to Establish the Institute of Transport Administration of Nigeria charged with the Responsibility of Advancing the Study, Training and Practice of Transport Management and Administration in Nigeria and for Other Related Matters (HB. 623) be now read a Second Time" (Hon. Oghene Emma Egoh — Amuwo Odofin Federal Constituency).

Also aware that the southern zone of Plateau State which is one of the oldest administrative districts in Nigeria comprising Shendam, Mikang, Quanpan, Langtang North, Langtang South and Wase Local Government Areas, bordering Taraba and Nasarawa States, do not have a single tertiary institution to cater for the tertiary education needs of the expanding secondary school leavers who are becoming frustrated due to their inability to acquire higher education as a result of distance, risks, accommodation concerns and attendant costs of travelling to far away locations in other States to study;

Resolves to:

- (i) urge the Federal Ministry of Education to commence the process of establishing a Federal Polytechnic in Shendam Local Government Area of Plateau State for the benefit of the people of Plateau and other neighbouring States; and
- (ii) mandate the Committees on Tertiary Education and Services, and Legislative Compliance to ensure implementation and report back within eight (8) weeks for further legislative action (*Hon. Johnbull Shekarau — Shendam/Mikang/Qua'an/Pan Federal Constituency*).

Agreed to.

(HR. 216/2017).

Motion referred to the Committees on Tertiary Education and Services, and Legislative Compliance, pursuant to Order Eight, Rule 9 (5).

14. **Need to Investigate the Rusting Away of Thirty-Three (33) Silos Worth ₦280 Billion**

Order read; deferred by leave of the House.

15. **Siege on Ogun Waterside Local Government by Militants and Kidnapers**

Motion made and Question proposed;

The House:

Notes the heightened activities of militants and kidnapers who have laid siege on communities in Ogun Waterside Local Government and its environs and are raiding areas like Ibiade, Atijere/Makun Omi, Awodikora/Irokun, Ibeju-Lekki in Lagos State, etc. stealing from, killing and kidnaping residents;

Also notes the act of impunity of one militant leader who sometime ago, summoned important personalities in Makun Omi and warned them not to disturb the operations of his gang or report to the Police, else they would be dealt with;

Aware that the militants and kidnappers operate almost at will and unchallenged, breaking into homes, carting away money and other valuables and abducting people for ransom, some of whom never get released even after ransom had been paid;

Concerned about the audacity of those undesirable elements who raided a Police Station, broke into the armory and carted away guns and ammunition, a situation that has led to the closure of the local Bank and paralyzed economic activities in the area whose residents now live in fear;

Also concerned about the seeming helplessness of the Government of Ogun State to the "Save our Souls" messages that have been sent to it over the matter;

Cognizant of the provision of Section 14 (2) (b) of the Constitution of the Federal Republic of Nigeria, 1999 that the security and welfare of the people is the primary purpose of government;

17. Consideration of Report**Committee on Works:**

Motion made and Question proposed, "That the House do consider the Report of the Committee on Works on a Bill for an Act to Establish the National Roads Fund for the Purpose of Financing Routine and Periodic Maintenance of National Roads and for Other Related Matters (HB.49 and HB.160) and approve the recommendations therein" (Hon. Toby Okechukwu — Aninri/Agwu/Oji-River Federal Constituency).

Agreed to.

Question that the House do resolve into the Committee of the Whole to consider the Report — Agreed to.

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO ESTABLISH THE NATIONAL ROADS FUND FOR THE
PURPOSE OF FINANCING ROUTINE AND PERIODIC MAINTENANCE OF
NATIONAL ROADS AND FOR OTHER RELATED MATTERS

PART I — OBJECTIVES AND APPLICATION

Committee Recommendation:**Clause 1:****Objectives.**

The objectives of this Bill are to —

- (a) establish the National Roads Fund which shall be a repository of revenues accruing from road user related charges and other sources for financing which shall be managed and administered for routine and periodic maintenance works on roads and related matters in Nigeria;
- (b) provide predictable and sustainable funding for road maintenance in order to promote the sustainable development and management of the road network;
- (c) establish the Governing Board of the Roads Fund which shall be responsible for the management of the Roads Fund in accordance with the provisions of this Bill;
- (d) create an enabling environment for private sector participation, management and financing in the road sector (Hon. Toby Okechukwu — Aninri/Agwu/Oji River Federal Constituency).

Question that Clause 1 stand part of the Bill — Agreed to.

Committee Recommendation:**Clause 2:****Application.**

The provisions of this Bill shall apply to the funding, maintenance and administration of the road network in Nigeria (Hon. Toby Okechukwu — Aninri/Agwu/Oji River Federal Constituency).

Question that Clause 2 stand part of the Bill — Agreed to.

- (k) all other assets which may, from time to time, accrue to the Roads Fund.
- (2) In the interests of cost effectiveness, efficiency and transparency, the Roads Fund shall:
 - (a) put in place cost-effective, transparent and accountable arrangements for the collection of money falling due for payment into the Fund, such arrangements may include direct payment into the Roads Fund by the government agencies, or their agents, responsible for the collection of money from which money accruing to the Roads Fund is paid into the Roads Fund designated account; and,
 - (b) notwithstanding arrangements put in place, incorporate an effective and efficient independent system for verifying amounts.
- (3) Any revenue accruing to the Roads Fund shall be payable into the designated Roads Fund account only and shall not be deemed to be revenue accruing or payable into the Consolidated Revenue Fund of the Federation (*Hon. Toby Okechukwu — Aninri/Agwu/Oji River Federal Constituency*).

Debate.

Consideration deferred.

Committee Recommendation:

Clause 5: Application of the Roads Fund.

- (1) The Roads Fund shall, in each year, before disbursement of the amount in the Roads Fund, set aside an amount not exceeding 3% of the total monies accruing to the Roads Fund in the preceding year (in this Bill referred to as "the Administrative Fund") for the purposes as stated under section 17 of this Bill.
- (2) The funds that shall accrue to the Roads Fund shall be disbursed to Statutory Federal, State and Local Government Road Agencies specifically for routine and periodic maintenance works on roads and the administration of a safe national road network in Nigeria.
- (3) The basis for the allocation and any formula for the disbursement of the Roads Fund shall be as determined by the Governing Board provided that it shall consider:
 - (a) the quality and cost effectiveness of the road asset management maintenance proposals;
 - (b) the extent of the road network;
 - (c) the specific maintenance or wear and tear requirements of any road;
 - (d) volume of vehicular use of road use;
 - (e) amount of revenue collected within and contributed by the state;

- (4) The Chairman and members of the Board other than the Managing Director shall be appointed by the President on therecommendation of the Ministry or body they represent.
- (5) Each Member of the Board shall be a person of recognized expertise and knowledge, with not less than ten (10) years cognate experience in one or more of the following fields —
 - (a) management;
 - (b) engineering;
 - (c) transport management technology;
 - (d) law;
 - (e) finance;
 - (f) accountancy; or
 - (g) economics.
- (6) Apart from the Managing Director who shall be the Chief Executive Officer, all other members of the Board shall be non-executive and part-time
- (7) The provisions of the First Schedule to this Bill shall regulate the proceedings of the Board and other matters in the Schedule (*Hon. Toby Okechukwu — Aninri/Agwu/Oji River Federal Constituency*).

Amendments Proposed:

- (i) *Insert* a new subclause (3) (c) (vii) as follows:
 “The Nigerian Institute of Quantity Surveyors (*Hon. Olasupo Abiodun — Iseyin/Itesiwaju/Kajola/Iwajowa Federal Constituency*).

Question that the amendment be made — Agreed to.

- (ii) Clause 6 (3) (c):
Leave out all the words in subclause (3) (c) (iv) and *insert* the following instead thereof:
 “Federal Roads Maintenance Agency and or any relevant Agency in charge of roads maintenance” (*Hon. Pwajok Edward Gyang — Jos South/Jos East Federal Constituency*).

Question that the amendment be made — Agreed to.

Question that Clause 6 as amended, stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 7: Tenure of Office of Members,

A member of the Board other than the Managing Director and the ex-officio members shall hold office —

- (a) for a term of four (4) years in the first instance and may be re-appointed for another term of four (4) years and no more; and
- (b) on such terms and conditions as may be specified in their letters of appointment (*Hon. Toby Okechukwu — Aninri/Agwu/Oji River Federal Constituency*).

- (a) put in place cost-effective, transparent and accountable arrangements for the collection of money falling due for payment into the Roads Fund and request for data, records from any agency, body, organization or person in order to ensure the accuracy of any assessment or remittance of money falling due for payments into the Roads Fund;
- (b) receive monies accruing to the Roads Fund;
- (c) administer and manage the Roads Fund;
- (d) coordinate and ensure total and timely accountability of all monies allocated or accruable to the Roads Fund;
- (e) receive information, records and data to determine quantities, volumes, frequency or any other information required from any of its sources of revenue;
- (f) disburse monies from the Roads Fund to the Road Agencies for financing approved road maintenance plan on road networks under their jurisdiction;
- (g) disburse monies from the Fund to such other beneficiaries, agencies, bodies persons or authorities that may be authorized under the provision of this Bill for the purpose of the maintenance and management of the national road network and the administration of the Fund;
- (h) retain the balance of money in the Roads Fund at the end of any given year after the disbursements specified under this Bill, as the Reserve Fund;
- (i) scrutinize and approve applications of the Roads Fund for road maintenance projects from Roads Agencies and other bodies and monitor expenditure to ensure prudent management, accountability and proper utilization of the Roads Fund for the purposes set out in this Bill;
- (j) establish the allocation criteria to disburse monies to the Road Agencies;
- (k) ensure transparency and accountability in the disbursement of money from the Roads Fund, prepare and publish annual reports and issue guidelines to the public on the criteria for accessing the Roads Fund;
- (l) make such rules as the Board may consider necessary for the effective administration and management of the Roads Fund;
- (m) prepare, publish and submit to the National Assembly through the Minister audited annual report of the Fund;
- (n) make policy recommendations to the Federal Government on matters relating to the national roads network financing;
- (o) advise and make recommendation to the Minister, agency or body responsible for finance on the funding policy and the level of road user charges and other forms of finance required for road maintenance programmes;

- (a) be appointed by the president on the recommendation of the Board from the private sector;
- (b) possess a degree and cognate experience of not less than fifteen (15) years in at least any one of the following fields: management, engineering, transport management technology, law, finance, accountancy or economics;
- (c) be the Chief Executive and Accounting Officer of the Roads Fund; and,
- (d) hold office for a term of four (4) years in the first instance and may be reappointed for a further term of four (4) years and no more.

(3) The Managing Director shall subject to the direction of the Board, be responsible for —

- (a) the day to day administration and facilitation of the Board; excisions of the Board;
- (b) the administration of the secretariat of the Board; and,
- (c) the general direction and control of all other employees of the Roads Fund (*Hon. Toby Okechukwu — Aninri/Agwu/Oji River Federal Constituency*).

Question that Clause 12 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 13: Removal of the Managing Director.

- (1) The Managing Director may in addition to the conditions prescribed in Section 9 (1) be suspended or removed from office by the Board if he has —
 - (a) demonstrated inability to effectively perform the duties of his; or
 - (b) been absent from three (3) consecutive meetings of the Board without the consent of the Chairman unless he shows good reasons for such absence.
- (2) Where the Managing Director is unable to perform the functions of his office due to temporary incapacity, which exceeds 3 months, the Board may appoint a substitute to act as the Managing Director (*Hon. Toby Okechukwu — Aninri/Agwu/Oji River Federal Constituency*).

Question that Clause 13 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 14: Appointment of the Legal Adviser.

There shall be for the Roads Fund a Legal Adviser who shall —

- (a) be appointed by the Board;
- (b) be the Secretary to the Board; and,

- (d) for the development and maintenance of any property vested in or owned by the Fund;
- (e) to such capital expenditure as the Board may deem necessary from time to time;
- (f) to the management and administration of the Roads Fund, including audit expenses, research, data collection and data management associated with the implementation of the Roads Fund and;
- (g) for such other payment in connection with all or any of its functions as stipulated under this Bill (*Hon. Toby Okechukwu — Aninri/Agwu/Oji River Federal Constituency*).

Question that Clause 17 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 18: Statement of Estimated Income and Expenditure.

- (1) The Roads Fund shall not later than four (4) months to the end of a financial year, prepare and present to the National Assembly through the President for approval a statement of estimated income and expenditure for the following financial year.
- (2) The Board shall ensure that in any financial year, the expenditure and commitments of the Roads Fund does not exceed the Administrative Fund.
- (3) Where, in exceptional circumstances, the Roads Fund and any surplus income brought forward from a previous year, is insufficient to meet the actual or estimated liabilities of the Roads Fund, the Minister may make advances to the Roads Fund in order to meet the deficiency or any part thereof and such advances shall be made on such terms and conditions, whether as to repayment or otherwise, as the Minister responsible for Finance may determine (*Hon. Toby Okechukwu — Aninri/Agwu/Oji River Federal Constituency*).

Question that Clause 18 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 19: Books and Records of Accounts.

- (1) The Roads Fund shall keep proper records of books and other records of account in respect of its operations including receipts and expenditure of the Roads Fund and the Administrative Fund in accordance with generally acceptable principles of accounting.
- (2) The accounts of the Roads Fund shall be audited by Auditors to be appointed annually by the Governing Board of the Roads Fund from the list of auditors and guidelines prepared by the Auditor-General for the Federation and in accordance with International Financial Reporting Standards applicable in Nigeria.
- (3) The Roads Fund shall submit to the National Assembly through the Minister not later than 30th June in each financial year, a report of its activities and implementation performance during the preceding year, which shall include a copy of the audited accounts of the Roads Fund for that year and a copy of the auditor's report.

- (3) The signatories to the account(s) referred to in subsection (2) of this section shall be the Head of Finance and Accounts, and one other officer of sufficient seniority.
- (4) The balance of the revenue accruing to the Roads Fund in any financial year shall be applied for the purpose of creating the Reserve Fund or such other reserve as the Board may from time to time approve to fund future planned road maintenance activities.
- (5) Any part of the Roads Fund not immediately required for the purpose of the Roads Fund may be invested in such manner as the Board may, in its discretion, determine subject to the approval of the Minister provided that such investment shall be strictly evaluated, bear low risk and are technically consistent with the maintenance priorities and plans developed by the Roads Fund.
- (6) The financial year of the Roads Fund shall be a period of twelve months commencing on the 1st of January of each year and ending on the 31st of December of the same year. Provided that the first financial year may be a period shorter or longer than twelve (12) months as the Board shall determine, but in any case, not longer than eighteen (18) months.
- (7) The Annual Report and a report of the activity and implementation performance during the preceding year shall be published, and also made available to the public on demand (*Hon. Toby Okechukwu — Aninri/Agwu/Oji River Federal Constituency*).

Question that Clause 20 stand part of the Bill — Agreed to.

PART VI — LEGAL PROCEEDINGS

Committee Recommendation:

Clause 21: Limitation of Suit.

- (1) The provisions of the Public Officers Protection Act shall apply in relation to any suit instituted against the Roads Fund, an official or employee of the Board.
- (2) A suit shall not be commenced against a member of the Roads Fund, any official or employee of the Board before the expiration of a period of one (1) month after written notice of the intention to commence the suit shall have been served on the Roads Fund, an official or employee of the Board by the intending plaintiff or his agent.
- (3) The notice referred to in subsection (2) of this section shall clearly state the cause of action, the particulars of the claim, the name and address of the intending plaintiff and the relief which he claims.
- (4) A notice, summons or other document required or authorized to be served on the Roads Fund, an official or employee of the Board under the provisions of this Bill or any other law or enactment may be served by delivery of such notice, summons or other document to the Roads Fund, an official or employee of the Board or by sending such notice, summons or other document by registered post, addressed to the Managing Director or Secretary to the Board at the principal office of the Roads Fund.

- (7) The Board shall ensure that its maintenance Plans and accurate periodic updates of the status of its implementation are made available to the public.
- (8) In preparing the Plan or any amendment, revision or update thereto, the Board shall —
 - (a) require Road Agencies to submit to it four (4) months before the commencement of the financial year, their annual roads programmes in such form and containing such details as the Board shall specify, outlining a comprehensive plan of action for the maintenance of roads under the jurisdiction of the Road Agency and the estimated costs of every activity required to implement the plan of action;
 - (b) establish financial, road condition, economic and social criteria, for the allocation of funds to the Roads Agencies and for the general achievement of the objects of the Roads Fund;
 - (c) review the funding submissions of the Road Agencies against set criteria; and
 - (d) after agreeing to amendments and satisfying itself of the integrity of the submissions taken singly and as a whole, consolidate the Roads Agencies' annual roads programmes into Roads Fund's programme which shall specify details to include:
 - (i) specifying the amounts allocated for the maintenance of each class of roads;
 - (ii) matching the cost of implementing the annual roads programme with revenues collected or estimated to be collected by and within the Fund; and
 - (iii) identifying roads requiring maintenance in order of priority (*Hon. Toby Okechukwu — Aninri/Agwu/Oji River Federal Constituency*).

Question that Clause 22 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 23: Exemption from Taxation.

The provisions of any enactment relating to the taxation of companies or trust funds shall not apply to the Roads Fund, except under circumstances where they have earned profit (*Hon. Toby Okechukwu — Aninri/Agwu/Oji River Federal Constituency*).

Question that Clause 23 stand part of the Bill — Agreed to.

PART VIII — OFFENCES AND PENALTIES

Committee Recommendation:

Clause 24: Offences.

- (1) A person who contravenes or fails to comply with any of the provisions of section 4 of this Bill is guilty of an offence under this Bill.

sums, or percentages applicable to any charges, surcharges, levies, or fees including variations thereto to be applied to any of the sources of revenue of the Roads Fund under this Bill.

- (3) Regulations made pursuant to subsections (1) -(2) of this section shall be published in the official Gazette (*Hon. Toby Okechukwu — Aninri/Agwu/Oji River Federal Constituency*).

Question that Clause 26 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 27: The Role of the Minister.

- (1) The Minister shall not later than three months after the coming into force of this Bill, take such steps as are necessary to bring into being the institutional structures of the National Roads Fund.
- (2) The Minister shall perform any function or role as designated as being such under this Bill including the giving of approvals where required under the Act; fixing the rates, sums, or percentages applicable to any charges, surcharges, levies, or fees including variations thereto to be applied to any of the sources of revenue of the Roads Fund under this Bill; promulgation of Regulations; providing advice on government policies related to the activities of the Roads Fund.
- (3) The Minister may give directives to the Board relating to the performance by the Board of any of its functions under this Bill; provided that such directives are not inconsistent with the objectives of the Roads Fund, the functions and powers of the Board and any provisions of this Bill (*Hon. Toby Okechukwu — Aninri/Agwu/Oji River Federal Constituency*).

Question that Clause 27 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 28: Interpretation.

In this Bill, unless the context otherwise requires —

"Administrative Fund" means the percentage funds to be set aside from the total revenue accruing to the Roads Fund and to be utilized only for the purposes as specified under this Bill (*Hon. Toby Okechukwu — Aninri/Agwu/Oji River Federal Constituency*).

Question that the meaning of the words "Administrative Fund" be as defined in the interpretation to this Bill — Agreed to.

"Board" means the Governing Board established under section 6 of this Bill (*Hon. Toby Okechukwu — Aninri/Agwu/Oji River Federal Constituency*).

Question that the meaning of the word "Board" be as defined in the interpretation to this Bill — Agreed to.

"Financial year" means every period of twelve months beginning from 1st January and terminating on 31st day of December; provided that the first financial year may be shorter or longer than twelve (12) months as the Board shall determine, but in any case not longer than eighteen months (*Hon. Toby Okechukwu — Aninri/Agwu/Oji River Federal Constituency*).

"Rolling Road Financing Plan" means a five year roads programme prepared by the Board in the manner stipulated under this Bill for the Roads Fund's fulfillment of its objectives under this Bill (*Hon. Toby Okechukwu — Aninri/Agwu/Oji River Federal Constituency*).

Question that the meaning of the words "Rolling Road Financial Plan" be as defined in the interpretation to this Bill — Agreed to.

"Tariffs" includes road user charges such as fuel levy, charges, fees, surcharges as well as supplementary heavy vehicle permit, international transit fees, tolls and fines for overloading, etc. and (*Hon. Toby Okechukwu — Aninri/Agwu/Oji River Federal Constituency*).

Question that the meaning of the word "Tariffs" be as defined in the interpretation to this Bill — Agreed to.

"Road Sector Regulator" Agency responsible for Regulating the Road Sector (*Hon. Toby Okechukwu — Aninri/Agwu/Oji River Federal Constituency*).

Question that the meaning of the words "Road Sector Regulator" be as defined in the interpretation to this Bill — Agreed to.

Question that Clause 28 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 29: Short Title.

This Bill may be cited as the National Roads Fund Bill, 2017 (*Hon. Toby Okechukwu — Aninri/Agwu/Oji River Federal Constituency*).

Question that Clause 29 stand part of the Bill — Agreed to.

SCHEDULES

FIRST SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

Proceedings of the Board

1. Subject to the provisions of this Bill, the Board may make standing orders regulating its proceedings or that of any of its Committees.
2. The Board shall hold a meeting at least once in every three months and, at such other time as may be convened by the Chairman.
3. A notice of not less than fourteen (14) days or such other period as may be agreed from time to time by all the members at a meeting shall be given to all members and the notice shall specify the date, time and place of the meeting and the business to be transacted.
4. The Chairman shall preside at meetings of the Board, and in his absence the members present shall elect one of their numbers to preside at the meeting.

- (b) notices to be given of the meetings;
 - (c) proceedings of the meetings;
 - (d) keeping of minutes of the proceedings; and,
 - (e) production of the proceedings for inspection.
19. Without limiting the discretion of the Board to regulate its meetings, the members of the Board may, in a matter that requires urgent attention —
- (a) confer by telephone;
 - (b) close circuit television;
 - (c) other electronic means; or
 - (d) audio or audiovisual communication.

Committees of the Board

20. A resolution passed at a meeting held in line with paragraph 19 above shall, notwithstanding that the members are not present together in one place at the time of the meeting, be deemed to have been passed at a meeting of the Board duly called and constituted on the day and at the time at which the meeting was held, it being agreed that the provisions of the Act relating to meetings of members shall apply to the meeting.
21. The Board may appoint one or more Committees to carry out, some of its functions.
22. The decision of a Committee of the Board shall be of no effect until it is confirmed by the Board.

Disclosure of Interest by Members of the Board

23. A member of the Board who is in any way directly or indirectly interested in any contract, proposed contract or arrangement shall disclose the nature of his interest at a meeting of the Board where the subject is first discussed, and the disclosure shall be recorded in the minute book of the Board, and the member shall not take part in any deliberation or decision of the Board with respect to that transaction or project.
24. A member of the Board need not attend in person a meeting of the Board in order to make a disclosure which he is required to make under this paragraph if he takes reasonable steps to ensure that the disclosure is made by a notice which is brought up and read at the meeting.

Conflict of Interest

25. The personal interest of a member shall not conflict with any of his duties -as a member of the Board under this Bill.
26. A member shall not in the course of the management of affairs of the Roads Fund or in the utilisation of the Roads Fund's property, make any secret profit or achieve other unnecessary benefits.
27. A member shall be accountable to the Roads Fund for any secret profit made by him or any unnecessary benefit derived by him contrary to this provision.

- (b) The refinery and the agency in charge of marketing petroleum products in Nigeria shall be responsible for assessing and ensuring the accurate payment or remittance of the payable Fuel Levy into the designated accounts of the Roads Fund; and,
- (c) The Fuel Levy payable on locally refined petroleum products under subsection (a) and (b) of this section shall be payable no later than thirty (30) days after the delivery of the petroleum products from the refinery.
- (d) The Minister shall have the power to review and determine the amount to be charged as Fuel Levy every five years from the commencement of this Bill provided that any increment shall not exceed a 30% increase over the preceding amount of levy payable and it shall be approved by the National Assembly.

Axle Load Control Charges

- 3. (a) There shall be paid into the Roads Fund Axle Load Control Charges which shall be paid in a manner and rate as shall be determined and prescribed by the Minister from time to time under Regulations to be made under the provisions of this Bill; and,
- (b) The Federal Roads Agency shall be responsible for assessing and ensuring the accurate remittance of all Axle Load Control Charges into the designated accounts of the Roads Fund.

Toll Fees

- 4. (a) There shall be paid into the Roads Fund, Toll Fees, chargeable on any road owned by the federal government and designated as a toll road by the Minister;
- (b) A percentage not less than 10% of any revenue paid as user charge per vehicle on any road designated as a toll road under subsection (a) of this subsection shall accrue and be payable to the Roads Fund;
- (c) Any toll road operator, concessionaire or other authority responsible for the collection of toll fees on any road designated as a toll road under subsection (a) of this section shall be responsible for assessing and ensuring the accurate payment or remittance of the payable revenue from toll fees into the designated accounts of the Roads Fund; and,
- (d) The Minister has the power to review and vary the amount of the percentage of revenue that shall accrue to the Roads Fund as provided under subsection (b) of this section

International Vehicle Transit Charges

- 5. (a) There shall be paid into the Roads Fund, International Vehicle Transit Charges on any foreign registered vehicle entering into Nigeria at any time through any land border;
- (b) The charge shall be paid in full directly into the designated accounts of the Roads Fund by the person bringing a vehicle into Nigeria and the evidence of the payment of which shall be provided to the Customs Service for the purposes of permitting of such vehicle entry into Nigeria;

Explanatory Memorandum:

(This Memorandum does not form part of the above Bill but is intended to explain its purport)

This Bill seeks to establish the Roads Fund which shall be a repository of revenue accruing from road user charging systems and other sources for the purpose of financing the maintenance and upkeep of national roads and promote sustainable development of the road sector (*Hon. Toby Okechukwu — Aninri/Agwu/Oji River Federal Constituency*).

Agreed to.

Long Title:

A Bill for an Act to Establish the National Roads Fund for the Purpose of Financing Routine and Periodic Maintenance of National Roads and for Other Related Matters (*Hon. Toby Okechukwu — Aninri/Agwu/Oji River Federal Constituency*).

Agreed to.

Chairman to report progress.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report of the Committee on Works on a Bill for an Act to Establish the National Roads Fund for the Purpose of Financing Routine and Periodic Maintenance of National Roads and for Other Related Matters (HB.49 and HB.160) and approved Clauses 1 - 3, deferred Clause 4, approved Clause 5, approved Clause 6 as amended, approved Clauses 7 - 29, approved the First Schedule, deferred the Second Schedule, approved the Explanatory Memorandum, and the Long Title of the Bill.

Question that the House do adopt the Report of the Committee of the Whole — Agreed to.

Clause 4 and the Second Schedule of the Bill recommitted to the Committees on Works, Finance, and Justice for further legislative action and report back within one week.

18. Adjournment

That the House do adjourn till Wednesday, 24 May, 2017 at 11.00 a.m. (Hon. Jibril Umar Buba — Deputy House Leader).

The House adjourned accordingly at 1.57 p.m.

Yakubu Dogara
Speaker