



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

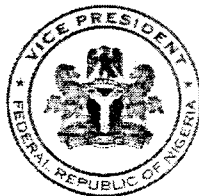
Tuesday, 6th June, 2017

1. The Senate met at 10:44 a.m. The Senate President read Prayers.
2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Thursday, 1st June, 2017.

Question was put and the Votes and Proceedings were approved.

3. **Message from Acting President:**
The Senate President announced that he had received a letter from Acting President, Commander-in-Chief of the Armed Forces of the Federation, which he read as follows:

Re: Federal Executive Council Approval of the 2016 -2018 External Borrowing (Rolling) Plan:



**VICE PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA**

SH/Ag. PRESIDENT/SEN/02/8

15th May, 2017

*His Excellency
Distinguished Senator (Dr.) Bukola Saraki, CON
President
Senate of the Federal Republic of Nigeria
National Assembly Complex
Three Arms Zone
Abuja.*

Dear Distinguished Senate President,

**RE: FEDERAL EXECUTIVE COUNCIL APPROVAL OF THE 2016 -2018 EXTERNAL
BORROWING (ROLLING) PLAN**

I write in reference to my earlier letter requesting for the consideration and approval of the Senate for the 2016-2018 External Borrowing Plan and to request the Senate to separate the States' Projects from the items listed in the Borrowing Plan with a view to giving them accelerated consideration. The affected States and the list of projects are as follows:

Donor Agency	State	Loan Amount
a) World Bank Assisted Project		
i) Kaduna State Development Policy Operation (DPO)	Kaduna	USD350million
ii) Ogun State Development Policy Operation (DPO)	Ogun	USD350million
b) African Development Bank		
i) Ebonyi Ring Road Project (to be co-financed with Islamic Development Bank)	Ebonyi	USD70million
ii) Rural Access and Mobility Project (RAMP)	Abia	USD 100million
c) Islamic Development Bank		
i) Health System Project	Katsina	USD110million
ii) Integrated Rural Development Project	Jigawa	USD32.4million
iii) Ring Road Project (to be Co-financed with AfDB)	Ebonyi	USD80million
iv) Integrated Agricultural and Water Resources Development	Kano	USD200million
d) French Development Agency		
i) Third National Urban Water Sector Reform Project (NUWSRP-III)	Enugu, Kano, Plateau & Ondo	USD200million
Total	=	USD1,492,400,000.00

2. The Senate President may wish to know that the request for the separation of the States Projects from the list became imperative in view of the current economic realities in the country and the pressing needs of these States to provide infrastructural and social amenities for their citizens. The total loans for the States being presented for special consideration and approval is US\$1,492,400,000.00 as listed in paragraph 1 above.

3. It will be highly appreciated if you could kindly give this request an expedited consideration and approval to enable the States meet up with all other effectiveness conditions for the implementation of the Projects in their respective States. Attached hereto is the list of the States' loans under reference.

4. Senate President, please accept the assurances of my highest regards, always.

(Signed)

Prof. Yemi Osinbajo, SAN, GCON
Acting President of the Federal Republic of Nigeria

4. Announcements:**(a) Special Session:**

The Senate President read a letter from Senator Ahmad I. Lawan (*Yobe North*) as follows:

**Senator Ahmad I. Lawan**

SENATE MAJORITY LEADER
FEDERAL REPUBLIC OF NIGERIA

June 6, 2017

There will be a Special Session of the Senate to mark the Second Year Anniversary of the 8th Senate

Date: Friday, 9th June, 2017

Time: 10:00 am prompt

All Distinguished Senators are expected to attend.

(Signed)

Ahmad I. Lawan

Senate Majority Leader

(b) Acknowledgment:

The Senate President acknowledged the presence of the Staff and Students of Kingdom Heritage Model Schools, Kuje and Jikwoyi, Abuja who were in the gallery to observe Senate Proceedings.

5. Matter of Urgent Public Importance:

Rising on Rules 42 and 52, Senator George T. Sekibo (*Rivers East*) drew the attention of the Senate on the urgent need to expand the scope of the Resolution of the Senate Committee on Interior to Investigate Consultancy Services of the Nigeria Immigration Service. He sought and obtained the leave of the Senate to present the matter forthwith.

The Senate:

aware that at its sitting on 7th December, 2016 while considering the report on the 2016 Budget of the Nigeria Immigration Service resolved vide Votes and Proceedings dated Wednesday 7th December, 2016 that the Senate Committee on Interior should investigate the consultancy services of the Nigeria immigration Service;

notes that the services given out by the Federal Ministry of Interior and Nigeria Immigration Service were not limited to consultancy alone, but include concessions and Public Private Partnership which have taken away the core mandate of the organisation;

worried by the scale of concession and Public Private Partnerships given out by the Federal Ministry of Interior and the Nigeria Immigration Service based on documents in the possession of the Committee; and

concerned on the need to do a thorough job of the resolution of the Senate and have a complete picture of all activities of the Nigeria Immigration Service and the role of the Federal Ministry of Interior as supervising ministry of the Nigeria Immigration Service.

Accordingly resolves to:

mandate the Committee on Interior to expand the scope of the investigation to include all Consultancy Services of the Nigeria Immigration Service, Concessions and Public Private Partnerships being undertaken by several private companies which have taken away the core mandate of the Nigeria Immigration Service and report to the Senate within four (4) weeks.

Debate:

Proposed Resolution:

Question: That the Senate do mandate the Committee on Interior to expand the scope of the investigation to include all Consultancy Services of the Nigeria Immigration Service, Concessions and Public Private Partnerships being undertaken by several private companies which have taken away the core mandate of the Nigeria Immigration Service and report to the Senate within four (4) weeks — *Agreed to.*

Resolved:

That the Senate do mandate the Committee on Interior to expand the scope of the investigation to include all Consultancy Services of the Nigeria Immigration Service, Concessions and Public Private Partnerships being undertaken by several private companies which have taken away the core mandate of the Nigeria Immigration Service and report to the Senate within four (4) weeks (S/Res/184/02/17).

6. **Committee on Foreign Affairs:**

Report on the Screening of 3 Non-Career Ambassadorial Nominees:

Motion made: That the Senate do receive the Report of the Committee on Foreign Affairs on the screening of the following persons as Non-Career Ambassadors of the Federal Republic of Nigeria:

S/N	Name	State	Remarks
1.	Justice Sylvanus Adiewere Nsofor	Imo	Re-submission
2.	Joseph Olusola Iji	Ondo	Replacement
3.	Commodore Yusuf Tonga Hinna (Rtd) Gombe		Replacement

(Senator Monsurat J. A. Sunmonu — Oyo Central).

Question put and agreed to.

Report Laid.

7. **Motions:**

(a) ***The increasing rate of Dropped Calls and other unwholesome practices by Telecommunication Network Operators in Nigeria that have robbed Nigerians of their hard earned Billions of Naira:***

Motion made: That the Senate notes that telecommunication services have gradually become an integral part of the Nigerian Economy, as well as an important tool in the social-economic life of Nigerians, over the last decade;

observes that the Nigerian Mobile Telecommunication Subscribers have of late:

- experienced a disturbing and yet increasing rate of dropped calls;
- encountered incomprehensible speech and voice quality that sounds like speaking from the bottom of a fish tank;
- not been able to control bundle usage, nor the choice to restrict browsing to the resources which they have allocated resulting in a sudden and unexplained expiry of data bundle with the network automatically switching to a pricier airtime option when surfing/browsing the internet;
- lost hard earned billions of Naira through network related call disconnections;

worried that all the GSM operators in Nigeria have recently been experiencing terrible congestions on their networks, thus, denying subscribers the benefits of getting value for their resources and hampering their ability to make or receive calls successfully;

observes that operators also have an unfair advantage with dropped calls from per-minute users as callers end up paying for an entire minute if a call drops in between, especially within the first few seconds;

worried also that subscribers' expectations that the quality of service delivery proffered by a GSM Network Operator improves as the Network matures is no longer realistic;

further observes that despite the warning issued by the Nigerian Communications Commission on the activities of telecom operators using the dropped call mechanism to defraud Nigerians by deducting money from phone users illegally, no serious sanction / penalty has been issued against any operator to date;

concerned that though service providers have continued to expand their network coverage beyond what their existing infrastructure could carry, no adequate provision has been made to improve service delivery. A recent investigation shows that the four (4) major operators namely MTN, Airtel, Etisalat and Globacom could not provide the rate of drop calls on their networks; and they appear not to see the reason to compensate their customers for disconnected calls or address their frustrations; and

disturbed that operators in the telecommunication industry have not invested substantially on their network to improve the quality of service rendered, a clear case of investment not keeping pace with contemporary needs.

Accordingly resolves to:

- (i) strongly condemn the inefficiency of GSM Network operators in Nigeria resulting in poor service delivery;
- (ii) urge the Nigerian Communications Commission to invoke the appropriate provisions of the Law and other extant agreements, to protect consumers where necessary and to refund them henceforth for disrupted calls caused by network issues and allow them have more control over their usage of data bundles as practiced by telecom operators in countries like Kenya (Safaricom), South Africa, etc;
- (iii) urge Nigerian Communications Commission; the Consumer Protection Council; The Standards Organization of Nigeria and other regulatory agencies to carry out effective supervision of the Telecoms service providers to ensure regulatory excellence, operational efficiency and sterling service delivery;
- (iv) urge the Nigerian Communications Commission and other relevant agencies to carry out a thorough investigation of the causes of dropped calls in the GSM network and come up with innovations that will improve customer experiences; and
- (v) mandate the Committees on Communications and Trade & Investment to further look into the issues raised in this Motion (*Senator Andy E. Uba — Anambra South*).

Debate:

Proposed Resolution (i):

Question: That the Senate do strongly condemn the inefficiency of GSM Network operators in Nigeria resulting in poor service delivery — *Agreed to.*

Proposed Resolution (ii):

Question: That the Senate do urge the Nigerian Communications Commission to invoke the appropriate provisions of the Law and other extant agreements, to protect consumers where necessary and to refund them henceforth for disrupted calls caused by network issues and allow them have more control over their usage of data bundles as practiced by telecom operators in countries like Kenya (Safaricom), South Africa, etc — *Agreed to.*

Proposed Resolution (iii):

Question: That the Senate do urge Nigerian Communications Commission; the Consumer Protection Council; The Standards Organization of Nigeria and other regulatory agencies to carry out effective supervision of the Telecoms service providers to ensure regulatory excellence, operational efficiency and sterling service delivery — *Agreed to.*

Proposed Resolution (iv):

Question: That the Senate do urge the Nigerian Communications Commission and other relevant agencies to carry out a thorough investigation of the causes of dropped calls in the GSM network and come up with innovations that will improve customer experiences — *Agreed to.*

Proposed Resolution (v):

Question: That the Senate do mandate the Committees on Communications and Trade & Investment to further look into the issues raised in this Motion — *Agreed to.*

Additional Proposed Resolution:

Insert Additional Proposed Resolution as follows:

“That the Senate do urge Nigerian Communications Commission (NCC) to ensure that all International Calls are terminated in Nigeria with the phone number of actual caller” (*Senator Ovie A. Omo-Agege — Delta Central*).

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

Resolved:

That the Senate do:

- (i) strongly condemn the inefficiency of GSM Network operators in Nigeria resulting in poor service delivery;
- (ii) urge the Nigerian Communications Commission to invoke the appropriate provisions of the Law and other extant agreements, to protect consumers where necessary and to refund them henceforth for disrupted calls caused by network issues and allow them have more control over their usage of data bundles as practiced by telecom operators in countries like Kenya (Safaricom), South Africa, etc;
- (iii) urge Nigerian Communications Commission; the Consumer Protection Council; The Standards Organization of Nigeria and other regulatory agencies to carry out effective supervision of the Telecoms service providers to ensure regulatory excellence, operational efficiency and sterling service delivery;
- (iv) urge the Nigerian Communications Commission and other relevant agencies to carry out a thorough investigation of the causes of dropped calls in the GSM network and come up with innovations that will improve customer experiences;
- (v) mandate the Committees on Communications and Trade & Investment to further look into the issues raised in this Motion; and

- (vi) urge Nigerian Communications Commission (NCC) to ensure that all International Calls are terminated in Nigeria with the phone number of actual caller (S/Res/185/02/17).

(b) **World Environment Day - Monday, 5th June, 2017:**

Motion made: That the Senate notes that 5th June is World Environment Day, set aside to create awareness for environmental issues and protection of the environment;

further notes that the theme for this year's World Environment Day is Connecting People to Nature, in celebration of nature's beauty and man's dependence on nature for his wellbeing;

observes that the Sustainable Development Goals include ensuring clean water and sustainable hygiene, sustainable urban development, sustainable consumption through increased use of natural resources and reduction of toxic materials, combating climate change and its adverse effects, conservation of aquatic resources and preservation of terrestrial biodiversity;

aware that in the light of Nigeria's environmental issues such as Gully erosion in Eastern Nigeria, Desertification in the North and Large scale environmental degradation in the oil rich South-South, illegal mining, uncontrolled excavation of laterites etc., there is a need to be proactive in addressing Nigeria's environmental issues;

concerned that these environmental issues have widespread effects on the economy, health, and social wellbeing of the people;

further concerned that women and children are the most vulnerable groups and tend to suffer more from the adverse effects of these environmental issues;

notes that the school curriculum fails to teach children at a young age about the impact of their actions and their civic duty to the environment;

disturbed because tomorrow's leaders ought to be equipped with the knowledge to deal with future challenges;

worried that in spite of the recent launch of the Ogoni Clean-up Campaign, it does not appear that work has commenced;

reiterates that the environment is being held in trust for our unborn generations and thus, must be kept in pristine condition;

also worried about the absence of clear framework and institutional actions to counter climate change and its effects;

further worried about implementation of the Paris Agreement COP 21 and COP 22 in light of the recently announced withdrawal of the United States of America; and

certain that if our environment flourishes, we will thrive in all facets of our lives.

Accordingly resolves to:

- (i) call on Government at all levels to create a feasible framework for realization of the protection of the environment under the Sustainable Development Goals;
- (ii) urge the Federal Ministry of Environment to create awareness and sensitize Nigerians on environmental issues with a view to safeguarding the health and wellbeing of the citizenry;

- (iii) urge the Federal and State Ministries of Education to include Environmental Studies in the curriculum of school children;
- (iv) accelerate the passage of the Erosion Prevention and Control Bill, 2017 (SB.32) and other environment protection related Bills;
- (v) urge the Federal Ministry of Environment and relevant agencies to create a framework to stop and prevent further deforestation and degradation; and for replacement of lost vegetative cover; and
- (vi) urge the Federal Ministry of Environment and relevant agencies to create a sustainable and viable framework to counter climate change and its effects (*Senator Oluremi S. Tinubu — Lagos Central*).

Debate:

Proposed Resolution(i):

Question: That the Senate do call on Government at all levels to create a feasible framework for realization of the protection of the environment under the Sustainable Development Goals — *Agreed to.*

Proposed Resolution(ii):

Question: That the Senate do urge the Federal Ministry of Environment to create awareness and sensitize Nigerians on environmental issues with a view to safeguarding the health and wellbeing of the citizenry — *Agreed to.*

Proposed Resolution(iii):

Question: That the Senate do urge the Federal and State Ministries of Education to include Environmental Studies in the curriculum of school children — *Agreed to.*

Proposed Resolution(iv):

Question: That the Senate do accelerate the passage of the Erosion Prevention and Control Bill, 2017 (SB.32) and other environment protection related Bills — *Agreed to.*

Proposed Resolution(v):

Question: That the Senate do urge the Federal Ministry of Environment and relevant agencies to create a framework to stop and prevent further deforestation and degradation; and for replacement of lost vegetative cover — *Agreed to.*

Proposed Resolution(vi):

Question: That the Senate do urge the Federal Ministry of Environment and relevant agencies to create a sustainable and viable framework to counter climate change and its effects — *Agreed to.*

Additional Proposed Resolutions:

Insert Additional Proposed Resolutions as follows:

- (i) “That the Senate do urge the Committee on Environment to investigate Great Green Wall Programme” (*Senator Abdullahi A. Gumel — Jigawa North-West*).

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

- (ii) “That the Senate do mandate the Committee on Environment to investigate the Ogoni Clean-up Programme and report to the Senate” (*Senator Magnus N. Abe — Rivers South-East*).

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

Resolved:

That the Senate do:

- (i) call on Government at all levels to create a feasible framework for realization of the protection of the environment under the Sustainable Development Goals;
- (ii) urge the Federal Ministry of Environment to create awareness and sensitize Nigerians on environmental issues with a view to safeguarding the health and wellbeing of the citizenry;
- (iii) urge the Federal and State Ministries of Education to include Environmental Studies in the curriculum of school children;
- (iv) accelerate the passage of the Erosion Prevention and Control Bill, 2017 (SB.32) and other environment protection related Bills;
- (v) urge the Federal Ministry of Environment and relevant agencies to create a framework to stop and prevent further deforestation and degradation; and for replacement of lost vegetative cover;
- (vi) urge the Federal Ministry of Environment and relevant agencies to create a sustainable and viable framework to counter climate change and its effects;
- (vii) urge the Committee on Environment to investigate Great Green Wall Programme; and
- (viii) mandate the Committee on Environment to investigate the Ogoni Clean-up Programme and report to the Senate (*S/Res/186/02/17*).

(c) ***The dire need for a Stakeholders Round Table to address increasing interest rates in Nigeria:***

Motion made: That the Senate notes the pre-eminent position of the banking sector as the blood channel for sustaining the economy and the need to ensure that indices operating at all times are good for the survival of business and the economy;

aware that Section 2 of the Central Bank of Nigeria Act, 2007 has given the Central Bank of Nigeria (CBN) amongst other things responsibility to ensure monetary and price stability; issue currency; act as banker and provide economic advice to the Federal Government;

aware that the Central Bank Act, 2007 established the Monetary Policy Committee (MPC) for the purpose of facilitating the attainment of the objective of price stability and providing supports for the economic policies of the Federal Government and also formulating monetary and credit policies and guidelines;

also aware that the current MPR of 14% has remain so and very high compared to other developing nations such as Brazil-10.25%, Kenya-10%, South Africa-7%, Rwanda-6.25%, Bangladesh-6.75%, Botswana-5.50%, and many West Africa countries with single digit MPR some as low as 2.95%(Cameroon);

further disturbed that despite all these negative indices, banks continue to declare huge earnings and profitability which as at 31st March, 2017 increased significantly by 151.02% as PBT stood at ₦186.155 trillion as against ₦74.160 trillion in December 2016;

worried that most of this profitability are derived from investment in risk free Government securities such as Treasury Bills and Bonds;

also worried that the CBN is now faced with difficulties in decision-making on some of its core mandates of controlling the inflation rate, exchange rate and interest rate. Available and reliable records indicate that between January to December, 2016, the CBN as regulator of the banking industry had mopped up about ₦5.784 trillion in interest expenses for liquidity management thereby targeting inflation at the expense of economic growth, development and employment;

worried that the reported explosive increase in net credit to the government in April, 2017 annualized to 72% compared to a programmed rate of 33.12% for the year and significant decline in credit to the private sector below 14.88% target for 2017 portend grave challenges for future macroeconomic stability if allowed to entrench, crowding out private sector borrowing from the economy;

concerned that the current regime of high interest rate continues to place a major burden on business investments and household consumption spending in Nigeria, thereby negatively impacting on the survival of Nigerian businesses;

worried that this is perpetuating the indicator which shows that only about 3% of SMEs starting up in the country having access to credits from banks which ironically employ about 88% of our work force and therefore the backbone of the economy;

disturbed that lending rates to the private sector has hovered between 28% to 30% across board 2017;

further acknowledges that if we are to make the necessary reforms of the economy work we cannot neglect the challenges that increasing interest rates pose to the survival of businesses;

advise the CBN and Deposit Money Banks under its purview to adopt strategies that will lead to reduction on lending rates in the short to medium term, especially in the interest of nation building and poverty reduction, rather than profit making only;

aware that the CBN has made appreciable effort at boosting the value of the Naira to about ₦370/US\$1, a clear and helpful indicator; and

further acknowledges that since the foreign exchange regime seems to be stabilizing, there is need to urgently address this most crucial aspect of the economy: INTEREST RATES REGIME.

Accordingly resolves to:

mandate the Committee on Banking, Insurance and Other Financial Institutions to organize a Round-Table session with CBN, Banks, Nigerian Deposit Insurance Corporation (NDIC), other relevant Stakeholders and Industry experts with a view to finding immediate, sustainable and lasting solutions that would help usher in a new interest rate regime that supports enterprise development in Nigeria (*Senator Rafiu I. Adebayo — Kwara South*).

Debate:

Proposed Resolution:

Question: That the Senate do mandate the Committee on Banking, Insurance and Other Financial Institutions to organize a Round-Table session with CBN, Banks, Nigerian Deposit Insurance Corporation (NDIC), other relevant Stakeholders and Industry experts with a view to finding immediate, sustainable and lasting solutions that would help usher in a new interest rate regime that supports enterprise development in Nigeria — *Agreed to.*

Resolved:

That the Senate do mandate the Committee on Banking, Insurance and Other Financial Institutions to organize a Round-Table session with CBN, Banks, Nigerian Deposit Insurance Corporation (NDIC), other relevant Stakeholders and Industry experts with a view to finding immediate, sustainable and lasting solutions that would help usher in a new interest rate regime that supports enterprise development in Nigeria (S/Res/187/02/17).

8. Conference Committee:

Report on the National Assembly Budget and Research Office (Establishment, etc.) Bill, 2017 (SB.222):

Motion made: That the Senate do consider and adopt the Conference Committee Report on the National Assembly Budget and Research Office (Establishment, etc.) Bill, 2017 (Re-committal) (Senator Emmanuel I. Paulker — Bayelsa Central).

Question put and agreed to.

Report presented.

Report accordingly adopted.

9. Committee on Poverty Alleviation and Social Welfare:

Report on the Constituencies Projects (Budgetary Provisions) Bill, 2017 (SB.103):

Motion made: That the Senate do consider the Report of the Committee on Poverty Alleviation and Social Welfare on the Constituencies Projects (Budgetary Provisions) Bill, 2017 (Senator Mallam A. Wakili — Bauchi South).

Question put and agreed to.

Report presented.

Consideration of Report deferred for further Legislative Action.

10. Committee on Trade and Investment:

Report on the Federal Competition and Consumer Protection Bill, 2017 (SB. 257):

Motion made: That the Senate do consider the Report of the Committee on Trade and Investment on the Federal Competition and Consumer Protection Bill, 2017 (Senator Fatimat O. Raji-Rasaki — Ekiti Central).

Question put and agreed to.

Report presented.

Motion made: That the Senate do resolve into the Committee of the Whole to consider the Report (Senate Leader).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO REPEAL THE CONSUMER PROTECTION ACT, CAP C25, LFN, 2004; ESTABLISH THE FEDERAL COMPETITION AND CONSUMER PROTECTION COMMISSION AND THE COMPETITION AND CONSUMER PROTECTION TRIBUNAL FOR THE DEVELOPMENT AND PROMOTION OF FAIR, EFFICIENT AND COMPETITIVE MARKETS IN THE NIGERIAN ECONOMY, FACILITATE ACCESS BY ALL CITIZENS TO SAFE PRODUCTS, SECURE THE PROTECTION OF RIGHTS FOR ALL CONSUMERS IN NIGERIA AND FOR OTHER RELATED MATTERS, 2017

PART I — OBJECTIVES AND SCOPE OF APPLICATION

Clause 1: Objectives of the Act.

The objectives of this Act are to —

- (a) promote and maintain competitive markets in the Nigerian economy;
- (b) promote economic efficiency;
- (c) protect and promote the interests and welfare of consumers by providing consumers with wider variety of quality products at competitive prices
- (d) prohibit restrictive business practices or unfair business practices which prevent, restrict or distort competition or constitute an abuse of a dominant position of market power in Nigeria; and
- (e) contribute to the sustainable development of the Nigerian economy.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Fatimat O. Raji-Rasaki — Ekiti Central*) — *Agreed to.*

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

Clause 2: Scope of application.

- (1) Except as may be indicated otherwise, this Act applies to all undertakings and all commercial activities within, or having effect within, Nigeria.
- (2) This Act applies to and is binding upon —
 - (a) body corporate in which a government of the Federation or of a State of the Federation or a body corporate or agency of government of the Federation or any State or Local Government has a controlling interest where such a body corporate engages in commercial activities.
 - (b) a body corporate in which a government of the Federation or of a State of the Federation or a body corporate or agency of government of the Federation or any State or Local Government has a controlling interest where such a body corporate engages in commercial activities.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senator Fatimat O. Raji-Rasaki — Ekiti Central*) — *Agreed to.*

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

PART II — ESTABLISHMENT OF THE FEDERAL COMPETITION AND
CONSUMER PROTECTION COMMISSION**Clause 3: Establishment of the Federal Competition and Consumer Protection Commission.**

- (1) There is established the Federal Competition and Consumer Protection Commission (in this Act referred to as "the Commission") for the purpose of carrying out the functions, duties and responsibilities as conferred upon it under the provisions of this Act.

- (2) The Commission shall be independent in the exercise of its functions, powers, duties and responsibilities conferred upon it by virtue of the provisions of this Act.
- (3) The Commission —
 - (a) is a body corporate with perpetual succession and a common seal;
 - (b) may sue and be sued in its corporate name; and
 - (c) may acquire, hold and dispose of property, whether movable or immovable.
- (4) The headquarters of the Commission shall be situated in the Federal Capital Territory, Abuja.
- (5) The Commission may establish other offices for the purpose of its business in any part of the Federal Republic of Nigeria, as the Commission may from time to time determine.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senator Fatimat O. Raji-Rasaki — Ekiti Central*) — Agreed to.

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

Clause 4: Composition of the Commission.

- (1) The Commission shall comprise of —
 - (a) Seven full-time Commissioners with at least one Commissioner appointed from each of the six geopolitical zones of Nigeria.
 - (b) the President shall designate one of the Commissioners as Chairman and Chief Executive Officer and another as Vice Chairman.
- (2) The Commissioners shall be appointed by the President subject to the confirmation of the Senate
- (3) A person shall not be appointed commissioner unless the person possesses professional qualification, cognate experience and knowledge in relevant fields including economics, law, accounting, public administration and finance
- (4) The Commission shall not be incapacitated from carrying out its powers or functions by virtue of any vacancy or any defect in the appointment of the Executive Chairman or any of the Commissioners
- (5) The Commission may as it deems fit, require representatives of sector regulatory agencies to participate in any of its proceedings and any such representatives shall participate in the Commission's proceedings on such terms and conditions as may be specified by the Commission.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senator Fatimat O. Raji-Rasaki — Ekiti Central*) — Agreed to.

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

Clause 5: Tenure of Office.

- (1) The Executive Chairman and Commissioners shall hold office for a term of four years in the first instance and may be re-appointed for a further term of four years and no more.
- (2) the pioneer Executive Chairman of the Commission shall hold office for five years at the first instance, and thereafter, if re-appointed, for a final term of four years.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senator Fatimat O. Raji-Rasaki — Ekiti Central*) — Agreed to.

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

Clause 6: Resignation from the Commission.

The Executive Chairman or any of the Commissioners may resign their appointments by notice in writing addressed to the President.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senator Fatimat O. Raji-Rasaki — Ekiti Central*) — Agreed to.

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

Clause 7: Removal from office.

- (1) The President may remove the Executive Chairman or a Commissioner from office —
 - (a) for inability or failure to discharge the functions of the office, whether arising from infirmity of mind, body or any other cause;
 - (b) upon conviction for any crime;
 - (c) upon disqualification and removal by a competent authority from the practice of the profession to which they belong;
 - (d) for any proven act of misconduct or gross misconduct as defined under the Public Service Rules;
 - (e) for failure to comply with the reporting obligations regarding personal and family assets as required by the Commission's Code of Conduct; or
 - (f) for fraudulent or unethical behaviour in the performance of their official functions and duties.
- (2) Any exercise of the powers of the President under this section shall be subject to the approval by simple majority vote of the Senate (*Senator Fatimat O. Raji-Rasaki — Ekiti Central*).

Amendment Proposed:

Leave out the provision in Clause 7(2) (*Senator Joshua M. Lidani — Gombe South*).

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

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

Clause 8: Vacancies.

Where a vacancy occurs in the membership of the Commission, it shall be filled by the appointment of a successor into the offices of the Executive Chairman or a Commissioner in accordance with the provision of subsection (2) of section 4 of this Act.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senator Fatimat O. Raji-Rasaki — Ekiti Central*) — Agreed to.

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

Clause 9: Emoluments of Members of the Commission.

- (1) The Executive Chairman and the Commissioners shall be paid from the funds of the Commission —
 - (a) such remuneration as may from time to time be approved for the Commission in accordance with the recommendations of the National Salaries, Income and Wages Commission; and
 - (b) such allowance as the Commission may from time to time determine, having regard to the recommendations of the National Salaries, Income and Wages Commission, to meet any reasonable expenses incurred in connection with the business of the Commission.
- (2) While making the recommendations for emoluments and other compensations, the National Salaries, Income and Wages Commission shall have due regard to the —
 - (a) specialized nature of work to be performed by the Commission;
 - (b) need to ensure the self-sufficiency of the Executive Chairman and the Commissioners;
 - (c) salaries paid in the private sector to individuals with equivalent responsibilities, expertise and skills; and
 - (d) nature of expenses incurred, including national and international travel expenses.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senator Fatimat O. Raji-Rasaki — Ekiti Central*) — Agreed to.

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

Clause 10: Administration of the Commission.

The Executive Chairman shall be the accounting officer and chief executive officer of the Commission and shall be responsible for the day to day administration of the Commission.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senator Fatimat O. Raji-Rasaki — Ekiti Central*) — Agreed to.

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

Clause 11: Proceedings of the Commission.

- (1) Subject to the provisions of this Act and section 27 of the Interpretation Act, the Commission may make standing orders regulating its proceedings or those of any of its committees.
- (2) At any meeting of the Commission, the Executive Chairman shall preside and in his absence, the Vice - Chairman or in the absence of the Vice - Chairman, the Commissioners present shall appoint one of their numbers to preside at that meeting.
- (3) Where the Commission desires to obtain the advice of any person on a particular matter, the Commission may arrange for such a person to consult or attend proceedings with the Commission for such period as it deems necessary, but a person who is in attendance by virtue of this sub-section shall not be entitled to vote at such proceedings.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senator Fatimat O. Raji-Rasaki — Ekiti Central*) — Agreed to.

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

Clause 12: Quorum.

The quorum of the Commission shall comprise the Executive Chairman, or the person presiding at the meeting and four other Members of the Commission, and the quorum of any committee of the Commission shall be determined by the Commission.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senator Fatimat O. Raji-Rasaki — Ekiti Central*) — Agreed to.

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

Clause 13: Validity of proceedings.

The validity of any proceedings of the Commission or of a committee appointed pursuant to section 15 of this Act shall not be affected by —

- (a) a vacancy in the membership of the Commission or of a committee;
- (b) a defect in the appointment of a member of the Commission or of a committee; or
- (c) reason that a person not entitled to do so took part in the proceedings of the Commission or of a committee.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senator Fatimat O. Raji-Rasaki — Ekiti Central*) — Agreed to.

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

Clause 14: Conflicts of interest.

Any member of the Commission and any member of a committee appointed pursuant to the provisions of section 15 of this Act who has a personal interest in any contract, arrangement or matter to be considered by the Commission or of a

committee shall forthwith disclose such interest to the Commission or committee and shall not vote on any question relating to the contract, arrangement or matter.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senator Fatimat O. Raji-Rasaki — Ekiti Central*) — Agreed to.

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

Clause 15: Committees.

- (1) The Commission may appoint one or more committees to carry out, on behalf of the Commission, such functions as the Commission may determine.
- (2) A committee appointed under subsection (1) of this section shall consist of such number of persons as the Commission may determine.
- (3) A decision of a committee shall be of no effect until it is confirmed by the Commission.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senator Fatimat O. Raji-Rasaki — Ekiti Central*) — Agreed to.

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

Clause 16: The Seal of the Commission.

- (1) The fixing of the seal of the Commission shall be authenticated by the signatures of the Executive Chairman or any person generally or specifically authorized by the Commission to act for that purpose.
- (2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Commission by the Executive Chairman or any person generally or specifically authorized by the Commission to act for that purpose.
- (3) Any document purporting to be a document duly executed under the seal of the Commission shall be received in evidence and shall, unless and until the contrary is proved, be presumed to be so executed.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senator Fatimat O. Raji-Rasaki — Ekiti Central*) — Agreed to.

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

PART III — FUNCTIONS AND POWERS OF THE COMMISSION

Clause 17: Functions of the Commission.

- (1) The Commission shall —
 - (a) be responsible for the administration and enforcement of the provisions of this Act and rules and regulations made pursuant to this Act;

- (b) initiate broad based policies and review commercial activities in Nigeria to identify anti-competitive and restrictive business practices, as well as consumer rights abuses which may adversely affect the economic interest of consumers
- (c) advise the Federal Government generally on national policies and matters pertaining to all goods and services and on the determination of national norms and standards relating to competition and consumer protection;
- (d) report annually on market practices and the implications for consumer choice and competition in the consumer market;
- (e) carry out, either on its own initiative or at the request of any person, investigations or inquiries pertaining to the conduct of business in Nigeria and initiating actions to redress violations of the provisions of this Act
- (f) carry out investigations or inquiries considered necessary or desirable in connection with any matter falling within the purview of this Act;
- (g) advise the Federal Government on any matter relating to the operations of this Act including making recommendations to the Federal Government for the review of policies, legislations and subsidiary legislations as considered appropriate or as may be requested by the Government of the Federation or any of its Ministries, Departments or Agencies for the eradication of anti-competitive behaviours and consumer rights violations in Nigeria;
- (h) eliminate anti-competition agreements, misleading, unfair, deceptive or unconscionable marketing, trading and business practices;
- (i) resolve disputes or complaints, issue directives and apply sanctions where necessary;
- (j) give and receive advice from other regulatory authorities or agencies within the relevant industry or sector on consumer protection and competition matters;
- (k) create public awareness through seminars, workshops, studies and make available information with regard to the exercise of its functions and powers to the public;
- (l) authorize, with or without conditions, prohibit or approve mergers in accordance with the provisions of this Act.
- (m) Protect and promote consumer rights
- (n) seek ways and means of removing or eliminating from the market, hazardous goods and services, and cause offenders to replace such goods or services with safer and more appropriate alternatives or ensure proper redress for consumers

- (o) publish from time to time, list of goods and services, as well as the suppliers of such goods and services, whose consumption and sale have been banned, withdrawn, restricted or not approved by the Federal Government or foreign governments
- (p) organize or undertake campaigns and other forms of activities capable of promoting increased private and public consumer awareness;
- (q) encourage trade, industry and professional associations to develop and enforce in their various fields quality standards designed to safeguard the interest of consumers;
- (r) access data on registration of imported goods from appropriate government agency
- (s) collaborate with consumer protection groups and associations for consumer protection purposes;
- (t) ensure that consumers' interests receive due consideration at appropriate fora and provide redress to obnoxious practices or the unscrupulous exploitation of consumers by companies, firms, trade associations or individuals;
- (u) ensure the adoption of appropriate measures to guarantee that goods and services are safe for intended or normally safe use;
- (v) collaborate with international organizations and agencies, firms, organizations, group or persons for the purposes of exchange of information to locate the source of substandard goods;
- (w) undertake regular research, study and analysis of consumer product standards and services rendered to the consumer and publish relevant observations, findings and recommendations in journals or other forms of publications for the benefit and general information of consumers;
- (x) collaborate with government agencies or professional bodies in establishing and using laboratories, testing facilities, common procedures in ensuring or enforcing standards of consumer goods or in assessing the quantum of loss or damage;
- (y) act generally to reduce the risk and injuries which may occur from consumption of certain consumer items and other services rendered to consumers; and
- (z) ensure that all service providers comply with local and international standards of quality and safe service delivery.

- (2) The Commission shall regularly develop and issue appropriate rules, guidelines and regulations to ensure the effective implementation of the provisions of this Act.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senator Fatimat O. Raji-Rasaki — Ekiti Central*) — Agreed to.

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

Clause 18: Powers of the Commission

- (1) The Commission shall have power to —
 - (a) establish specialised Departments and Units as it considers necessary for the effective and efficient discharge of its functions under this Act
 - (b) prevent the circulation of goods or services which constitute or likely to constitute public hazard or an imminent public hazard
 - (c) cause quality tests to be conducted on consumer goods as it deems necessary
 - (d) compel a manufacturer, supplier, dealer, importer, wholesaler, retailer or other undertaking, where appropriate, to:
 - (i) certify that all standards are met in their goods and services; and
 - (ii) give public notice of any health hazards associated with their goods or services;
 - (iii) display labels showing date and place of manufacture of goods as well as certification of compliance
 - (e) seal up any premises on reasonable suspicion that such premises contain, harbor or are being used to produce or disseminate goods or services that are fake, substandard, hazardous or inimical to consumers' welfare; in collaboration with relevant sector regulators;
 - (f) Undertake studies and publish reports; and provide information on matters that affect the interest of Consumers
 - (g) Promote industry self-regulation by collaborating with, or assisting associations or body of persons in developing and promoting the observance of standards of conduct for the purpose of ensuring compliance with the provisions of this Act
 - (h) make regulations relating to the charging and collection of fees, levies, fines and the imposition of administrative penalties.
- (2) The Commission shall make general information available to persons engaged in economic activities and for the guidance of consumers with respect to their rights and obligations under this Act.
- (3) For the purpose of carrying out its functions under this Act, it shall be lawful for the Commission to —
 - (a) prohibit the making or carrying out of an agreement or arrangements to which this Act relates;
 - (b) order the termination of any agreement or arrangement pertaining to the action envisaged under paragraph (c) of this subsection;
 - (c) prohibit the withholding of supplies or any threat relating thereto;

- (d) declare any business practice as abuse of a dominant position of market power and prohibit the same, after carrying out necessary investigation;
 - (e) prohibit the attachment of extraneous conditions to any transaction as it may deem appropriate;
 - (g) require the publication of transparent price lists; and
 - (h) issue penalties for violations and award compensations to parties as appropriate
 - (i) do such other things as it considers necessary for the effective performance of its functions under this Act.
- (4) The Commission shall have power to —
- (a) summon and examine witnesses;
 - (b) call for and examine documents;
 - (c) administer oaths;
 - (d) require that any document submitted to it be verified by affidavit;
 - (e) require the furnishing of returns or information as it may require within such period as it may specify by notice; and
 - (f) adjourn any investigation or inquiry from time to time.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senator Fatimat O. Raji-Rasaki — Ekiti Central*) — Agreed to.

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

PART IV — MANAGEMENT AND STAFF OF THE COMMISSION

Clause 19: Secretary to the Commission

- (1) There shall be appointed by the Commission, a secretary (hereinafter referred to as 'the Secretary') who shall be a legal practitioner with at least ten years post-call experience.
- (2) The Secretary shall be responsible for keeping the corporate records of the Commission and performing such other duties as the Executive Chairman or the Commission may, from time to time assign.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senator Fatimat O. Raji-Rasaki — Ekiti Central*) — Agreed to.

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

Clause 20: Other Staff of the Commission

- (1) The Commission may appoint such other staff as is necessary for the proper and efficient performance of the functions and duties of the Commission under this Act with requisite professional qualifications and cognate experience in competition and consumer protection matters.

- (2) The terms and conditions of service, including remuneration, allowances and other benefits of the employees of the Commission shall be as may be determined by the Commission.
- (3) The Commission shall have power to pay to persons employed by it such remuneration, including allowances, as the Commission may determine, after consultation with the National Salaries and Wages Commission in line with the guiding principles contained in subsection (2) of section 9 of this Act.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senator Fatimat O. Raji-Rasaki — Ekiti Central*) — Agreed to.

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

Clause 21: Staff Regulations

- (1) The Commission may, subject to the provisions of this Act, make staff regulations relating generally to the conditions of service of the employees of the Commission and without prejudice to the generality of the foregoing, such regulations may provide for —
 - (a) the appointment, promotion and disciplinary control, including dismissal of employees of the Commission; and
 - (b) appeals by employees of the Commission against dismissal or other disciplinary measures and until such regulations are made, any instrument relating to the conditions of service of officers in the Public Service of the Federation shall be applicable.
- (2) Staff regulations made under subsection (1) of this section shall have effect upon publication in the Federal Gazette or such other medium as the Commission may determine as will enable the regulations to be brought to the notice of all affected persons.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senator Fatimat O. Raji-Rasaki — Ekiti Central*) — Agreed to.

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

Clause 22: Application of the Pension Reforms Act.

Service in the Commission shall be approved service for the purposes of pensions and accordingly, the officers, staff or employees of the Commission shall be entitled to pensions and other retirement benefits in accordance with the provisions of the Pension Reform Act, 2004.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senator Fatimat O. Raji-Rasaki — Ekiti Central*) — Agreed to.

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

PART V — FINANCIAL PROVISIONS

Clause 23: Fund of the Commission.

- (1) The Commission shall establish and maintain a fund (hereinafter referred to as "the Fund") from which shall be defrayed all expenditures incurred by the Commission.
- (2) There shall be paid and credited into the Fund established under subsection (1) of this section-
 - (a) the initial take-off grant made available to the Commission by the Federal Government;
 - (b) such sums of money as may be appropriated to the Commission in the annual budgetary allocation;
 - (c) such moneys as may, from time to time, be granted to the Commission by a government of the Federation;
 - (d) all fees, levies, penalties and charges statutorily chargeable by the Commission for approvals, testing, licences, violations, certification or any services, as may be provided by the Commission in the exercise of its functions under this Act;

Amendment Proposed:

Leave out the word "penalties" in line 1 (Senator Bala Ibn Na'Allah — Kebbi South).

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

- (e) all sums of monies accruing to the Commission by way of grants-in-aid, gifts, testamentary dispositions and endowments and contributions from any other sources whatsoever provided that the condition for such grants are not inconsistent with the functions, duties and responsibilities of the Commission under this Act;
- (f) fees charged for the investigation into and resolution of all disputes brought before the Commission either due from the regulated industry regulators, individuals, corporate bodies or the government.
- (g) 0.5% of profit after tax of all companies operating in Nigeria which funds shall be promptly paid to the Commission annually immediately upon the conclusion of each company's fiscal or accounting year, and in any case no more than 30 days after such conclusion, which fund shall be used in management of the Commission and the provision of support and or partial or full reimbursement of losses to victims of abuse by companies or persons in violation of provisions of this Act where applicable and the Commission believes it is impossible to cause the offending company or person to make such victim whole in part or in full;

Amendment Proposed:

Leave out the provision in Clause 23(2)(g) (Senator Ahmad I. Lawan — Yobe North).

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

- (h) any other fund that may be created from time to time by an Act of the National Assembly;
- (3) The Fund shall be managed in accordance with the rules made by the Commission and without prejudice to the generality of the power to make rules under these subsections; the rules shall in particular contain provisions-
 - (a) specifying the manner in which the assets or the Fund of the Commission are to be held;
 - (b) regulating the making of payments into and out of the Fund; and
 - (c) requiring the keeping of proper accounts and records for the Fund in such form as may be specified in the rules (*Senator Fatimat O. Raji-Rasaki — Ekiti Central*).

Amendment Proposed:

Leave out the provision in Clause 23(3) (Senator Senator Ahmad I. Lawan — Yobe North).

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

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

Clause 24: Expenditures of the Commission.

- (1) The Commission shall apply the proceeds of the Fund established pursuant to section 23 of this Act to —
 - (a) the cost of administration of the Commission ; and
 - (b) the payment of salaries, fees, remuneration, allowances, pensions and gratuities payable to the members and the employees of the Commission, as the case may be;
 - (c) the payment for all consultancies, contracts, including mobilization, fluctuations, variations, legal fees and cost on contract administration as may be permissible under applicable laws;
 - (e) the payment for all purchases; and
 - (f) undertake such other activities as are connected with all or any of the functions of the Commission under this Act.
- (2) Any excess of the Commission's revenue for any year over the approved expenditure for that year shall be remitted to the Consolidated Revenue Fund.

Committee's Recommendation:

That the provision in Clause 24 be retained (Senator Fatimat O. Raji-Rasaki — Ekiti Central) — Agreed to.

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

Clause 25: Annual Estimates and Expenditure.

- (1) The Commission shall not later than 30th September in each year submit to the Minister an estimate of the expenditure and income of the Commission during the succeeding year.

- (2) The Commission shall cause to be kept proper accounts of the Commission in respect of each year and proper records in relation thereto.
- (3) The Commission shall cause the accounts to be audited not later than six months after the end of each financial year by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor - General for the Federation.

Committee's Recommendation:

That the provision in Clause 25 be retained (*Senator Fatimat O. Raji-Rasaki — Ekiti Central*) — Agreed to.

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

Clause 26: Annual Report

The Commission shall prepare and submit to the Minister, the President and the National Assembly not later than 30th June and 31st December in each year, a report in such form as the Minister may direct on the activities of the Commission during the immediately preceding year, and shall include in the report a copy of the audited accounts of the Commission for that year and the auditors' report thereon (*Senator Fatimat O. Raji-Rasaki — Ekiti Central*).

Amendment Proposed:

Leave out the words "30th June and" in line 2 (*Senator Bareehu O. Ashafa — Lagos East*).

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

Question that Clause 26 as amended do stand part of the Bill, put and agreed to.

PART VI — ENFORCEMENT WARRANTS AND REQUESTS FOR INFORMATION

Clause 27: Enforcement Powers of the Commission.

- (1) The Commission may for the purpose of ascertaining whether any undertaking has engaged, is engaging or is likely to engage in conduct constituting or likely to constitute a contravention of this Act, require an authorized officer to —
 - (a) enter and search any premises; and
 - (b) inspect and remove from the premises any article, document or extract there from, in the possession or under the control of any person.
- (2) Except as otherwise directed by the Commission, an officer authorized by the Commission shall only exercise the powers conferred by subsection (1) of this section with a warrant issued pursuant to section 28 of this Act.
- (3) The Commission shall, if there are grounds to believe that a violation, civil or criminal, of the provisions of this Act or regulations made pursuant to this Act, was, is being or will be committed, and it is impracticable to secure a warrant pursuant to section 28 of this Act, take any interim measures, including authorizing an authorized officer to exercise powers contained in subsection (1) of the section pending the issuance of a warrant to that effect
- (4) Provided that in the circumstance described in subsection (3), the Executive Chairman shall depose to an affidavit verifying these facts before such interim measures can be taken

Committee's Recommendation:

That the provision in Clause 27 be retained (*Senator Fatimat O. Raji-Rasaki — Ekiti Central*) — Agreed to.

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

Clause 28: Issuance of Warrant

- (1) Where a Judge is satisfied on information on oath that there is reasonable ground for believing that any undertaking has engaged or is engaging or likely to engage in conduct constituting or likely to constitute the contravention of this Act, the Judge may issue a warrant permitting an authorized officer to exercise the powers conferred by subsection (1) of this section in relation to any premises specified in the warrant.
- (2) An authorized officer who applied for a warrant shall, having made reasonable inquiries, disclose to the court —
 - (a) the details of every previous application for a warrant to search the place that the officer knows has been made within the preceding twelve months; and
 - (b) the result of the application.
- (3) A warrant issued under subsection (1) of this section shall specify a time-limit beyond which articles or documents removed shall not be detained.
- (4) The occupier or person in charge of any premises entered pursuant to this section shall provide the authorized officer with all reasonable facilities and assistance for the effective exercise of the officer's duty under this section.
- (5) A person who obstructs or impedes an authorized officer in the performance of his duties under this section commits an offence and liable on conviction to imprisonment for a term not exceeding two years or to a fine not exceeding Five Million Naira or to both fine and imprisonment.

Committee's Recommendation:

That the provision in Clause 28 be retained (*Senator Fatimat O. Raji-Rasaki — Ekiti Central*) — Agreed to.

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

Clause 29: Powers Conferred by Warrant

- (1) A warrant issued under subsection (1) of section 28 of this Act shall authorize the person named in the warrant to request any police officer or public official to provide assistance to the person named in the warrant in the execution of the warrant.
- (2) The assistance to be provided pursuant to the provision of subsection (1) of this section shall be at the written request of the person named in the warrant.
- (3) The warrant shall confer powers —
 - (a) to enter and search the place or premises specified in the warrant on one occasion within thirty days of the date of issue of the warrant at a time that is reasonable in the circumstances;

- (b) to use such assistance as is reasonable in the circumstances;
 - (c) to use such force for gaining entry and for breaking open any article or thing as is reasonable in the circumstances;
 - (d) to search for and remove documents or any article or thing that the person executing the warrant believes on reasonable grounds may be relevant;
 - (e) where necessary, to make copies of documents or extracts from documents, that the person executing the warrant believes on reasonable grounds may be relevant; and
 - (f) where necessary, to require a person to reproduce or assist any person executing the warrant to reproduce, in usable form, information recorded or stored in a document or retrieval system.
- (4) Any police officer or public officer assisting the person executing the warrant also has the powers stated in paragraphs (c), (d) and (e) of subsection (3) of this section.
- (5) A warrant shall be executed in accordance with such conditions as may be specified in the warrant when it is issued.

Committee's Recommendation:

That the provision in Clause 29 be retained (*Senator Fatimat O. Raji-Rasaki — Ekiti Central*) —
Agreed to.

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

Clause 30: Duties of a Person Executing a Warrant.

- (1) A person executing a warrant issued under subsection (1) of section 28 of this Act shall —
- (a) be in possession of the warrant at the time of its execution;
 - (b) produce it on initial entry and, if requested, at any subsequent time; and
 - (c) produce a valid identification to the owner or occupier or person in charge of the place if that person is present.
- (2) A person executing a warrant issued under subsection (1) of section 28 of this Act shall on entry into any premises pursuant to a warrant, produce a valid identification document and the authority to enter
- (3) A person executing a warrant issued under subsection (1) of section 28 of this Act shall before leaving the premises, leave in a conspicuous place at the premises searched —
- (a) in the case of a search carried out at a time when the owner or occupier was not present, a written notice stating —
 - (i) the date and time when the warrant was executed; and
 - (ii) the name of the person who executed the warrant and the names of the person or persons who rendered assistance in the course of executing the warrant, and;

- (b) upon the completion of the search authorized by a warrant, where a document or article or thing was removed from the place being searched. leave a schedule containing a list of articles, documents, extracts or things removed from the premises during the search.
- (4) Where it is not practicable to prepare a schedule before completing the search, or if the owner or occupier of the place being searched consents, the person executing the warrant —
 - (a) may, instead of leaving a schedule, leave a notice stating that documents, articles or things have been removed during the search and that, within seven days of the search, a schedule will be delivered, left, or sent stating the documents, articles or things that have been removed; and
 - (b) must, within seven days of the search,—
 - (i) deliver a schedule to the owner or occupier,
 - (ii) leave a schedule in a prominent position at the place searched; or
 - (iii) send a schedule by registered mail to the owner or occupier of the place searched.
- (5) Every schedule prepared pursuant to subsection (3) or (4) of this section shall state —
 - (a) the documents, articles and things that were removed;
 - (b) the location from which they were removed; and
 - (c) the location where they are being held.
- (6) The Commission, or any person authorized by the Commission for that purpose, may inspect and make copies of any document or extract from such document, obtained pursuant to a warrant issued under subsection (1) of section 28 of this Act.

Committee's Recommendation:

That the provision in Clause 30 be retained (*Senator Fatimat O. Raji-Rasaki — Ekiti Central*) —
Agreed to.

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

Clause 31: Duties of Occupiers.

The occupier or person in charge of the place that an authorized officer, pursuant to a warrant issued under subsection (1) section 28 of this Act, enters for the purpose of a search shall provide that authorized officer with all reasonable facilities and cooperation in executing the warrant.

Committee's Recommendation:

That the provision in Clause 31 be retained (*Senator Fatimat O. Raji-Rasaki — Ekiti Central*) —
Agreed to.

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

Clause 32: Request for Information or Documents.

- (1) Where the Commission considers it necessary, desirable or expedient for the purpose of carrying out its functions under this Act, the Commission may, by notice in writing served on any person, require that person to —
 - (a) furnish to the Commission, in writing, signed by that person or, in the case of an undertaking, by a director or competent officer or agent of the undertaking, within the time and in the manner specified in the notice, any information or class of information as may be specified in the notice;
 - (b) produce to the Commission or to a person specified in the notice acting on its behalf in accordance with the notice, any document or class of documents specified in the notice; or
 - (c) appear before the Commission at a time and place specified in the notice to give evidence, either orally or in writing and produce any document or class of documents specified in the notice.
- (2) The Commission shall obtain such information as it considers necessary to assist it in its investigations or inquiries and where it considers appropriate, shall examine and obtain verification of documents submitted to it.
- (3) Where the information provided for in subsection (1) of this section is not furnished to the satisfaction of the Commission, the Commission may make findings on the basis of information available to it.

Committee's Recommendation:

That the provision in Clause 32 be retained (*Senator Fatimat O. Raji-Rasaki — Ekiti Central*) —
Agreed to.

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

Clause 33: Summons to Attend and Give Evidence or to Produce Documents.

- (1) A summons to attend and give evidence or to produce documents before the Commission issued under the hand of the Secretary or any member of the Commission shall be served on the person concerned.
- (2) Hearings of the Commission shall take place in public, but the Commission may, whenever the circumstances warrant, particularly in order to preserve the business secrets of the undertaking concerned, conduct hearing in camera.
- (3) A person who without sufficient cause fails or refuses to —
 - (a) appear before the Commission in compliance with a summons, or
 - (b) produce a document which the person is required by such summons to produce, commits an offence and liable on conviction to imprisonment for a term not exceeding three years or to a fine not exceeding Twenty Million Naira or to both fine and imprisonment.
- (4) A person who willfully obstructs or interrupts the proceedings of the Commission commits an offence and liable on conviction to imprisonment for a term not exceeding three years or to a fine not exceeding Twenty Million Naira or to both fine and imprisonment.

Committee's Recommendation:

That the provision in Clause 33 be retained (*Senator Fatimat O. Raji-Rasaki — Ekiti Central*) — Agreed to.

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

Clause 34: Procedures for handling of evidence by the Commission.

- (1) For the purpose of carrying out its functions and powers under this Act, the Commission may receive in evidence any statement, document, information or matter that may in its opinion assist it in dealing effectively with the matter before it, whether or not such evidence will otherwise be admissible in a court of law.
- (2) The Commission may take evidence on oath and for that purpose a member of the Commission, any employee or agent of the Commission duly authorized for that purpose may administer an oath.
- (3) The Commission may require the evidence to be furnished to be given on oath and for that purpose a member of the Commission or any officer of the Commission duly authorized for that purpose may administer an oath.
- (4) The Commission may permit a person appearing as a witness before it to give evidence by tendering a written statement and where the Commission deems fit, verify a written statement by oath.
- (5) Where a person has appeared as a witness before the Commission pursuant to a notice issued in that behalf or has given evidence before the Commission, whether pursuant to a notice or not, the Commission may, if it deems fit, order any sum to be paid to that witness on account of his or her traveling expenses.
- (6) The Commission shall ensure that business secrets of all parties concerned in investigation conducted by it are adequately protected during all stages of an investigation or inquiry.
- (7) The Commission may hear orally any person who in its opinion will be affected by an investigation or inquiry being carried out by it.

Committee's Recommendation:

That the provision in Clause 34 be retained (*Senator Fatimat O. Raji-Rasaki — Ekiti Central*) — Agreed to.

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

Clause 35: Prohibition of Disclosure of Information, Documents, etc.

- (1) Subject to the provisions of subsection (2) of this section, the Commission may by order prohibit the publication or communication of any information or document or evidence which is furnished, given or tendered to, or obtained by the Commission in connection with its operations.
- (2) An order made by the Commission under subsection (1) of this section may be expressed to have effect for such period as is specified in the order, which shall not be less than two years, but no such order shall have effect where that order was made in connection with an investigation or inquiry conducted by the Commission, after the conclusion of that investigation or inquiry.

PART VII — THE COMPETITION AND CONSUMER PROTECTION TRIBUNAL

Clause 39: Establishment of the Competition and Consumer Protection Tribunal.

- (1) There is established under this Act, the Competition and Consumer Protection Tribunal ('the Tribunal').
- (2) The Tribunal shall adjudicate over conducts prohibited under this Act and exercise the jurisdiction, powers and authority conferred on it under this Act or any other enactment.
- (3) The Tribunal shall keep records of its proceedings and have jurisdiction throughout the Federation.

Committee's Recommendation:

That the provision in Clause 39 be retained (*Senator Fatimat O. Raji-Rasaki — Ekiti Central*) — Agreed to.

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

Clause 40: Composition of the Tribunal.

- (1) The Tribunal shall consist of the following members —
 - (a) a Chairman, who shall be a legal practitioner with ten years post call and cognate experience in the field of competition, consumer protection or commercial and industrial law;

Amendment Proposed:

Immediately after the word "with" in line 1, insert the words "not less than" (*Senator Joshua M. Lidani — Gombe South*).

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

- (b) six other members, with not less than ten years professional experience in any one or more of the following educational fields

Amendment Proposed:

Immediately after the word "members" in line 1, insert the words "representing each geo-political zone" instead thereof (*Senator Bareehu O. Ashafa — Lagos East*).

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

- (i) competition and consumer protection law;
 - (ii) commerce and industry;
 - (iii) public affairs;
 - (iv) economics;
 - (v) finance; or
 - (vi) business administration or management
- (2) The Chairman and other members of the Tribunal shall be appointed by the President subject to confirmation by the Senate (*Senator Fatimat O. Raji-Rasaki — Ekiti Central*).

- (3) A person who, contrary to an order made by the Commission under subsection (1) of this section, publishes or communicates any information, document or evidence commits an offence and is liable on conviction to a fine not exceeding One Million Naira in the case of a person not being a body corporate, and Fifty Million Naira in the case of a body corporate.

Committee's Recommendation:

That the provision in Clause 35 be retained (*Senator Fatimat O. Raji-Rasaki — Ekiti Central*) — Agreed to.

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

Clause 36: Destruction of Records.

A person who destroys any record which may be required by the Commission for the discharge of any of its functions under this Act, with intent to mislead the Commission or to prevent or impede any investigation or inquiry under this Act, commits an offence and liable on conviction to a term of three years imprisonment or to a fine not exceeding Fifty Million Naira or to both fine and imprisonment.

Committee's Recommendation:

That the provision in Clause 36 be retained (*Senator Fatimat O. Raji-Rasaki — Ekiti Central*) — Agreed to.

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

Clause 37: Discontinuance of Inquiry or Investigation.

- (1) Where the Commission at any stage of an investigation or inquiry under this Act is of the opinion that the matter being investigated or subject to inquiry does not justify further investigation or inquiry, the Commission may discontinue the investigation or inquiry.
- (2) Where the Commission discontinues an investigation or inquiry, it shall, within fourteen days thereafter, give written notice to the parties concerned in the investigation or inquiry, stating the reasons for discontinuing the investigation or inquiry.

Committee's Recommendation:

That the provision in Clause 37 be retained (*Senator Fatimat O. Raji-Rasaki — Ekiti Central*) — Agreed to.

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

Clause 38: Appeals.

- (1) Subject to regulations to be made by the Commission under subsection (2) of this section, appeals from any decision of the Commission shall lie to the Tribunal established under section 39 of this Act.
- (2) The Commission shall adopt regulations specifying all relevant procedures and requirements in relation to appeals under subsection (1) of this section.

Committee's Recommendation:

That the provision in Clause 38 be retained (*Senator Fatimat O. Raji-Rasaki — Ekiti Central*) — Agreed to.

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

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

Further consideration of Bill deferred to another Legislative Day.

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Trade and Investment on the Federal Competition and Consumer Protection Bill, 2017 deferred further consideration of Report and approved as follows:

Clauses 1- 6	—	As Recommended
Clause 7	—	As Amended
Clauses 8- 22	—	As Recommended
Clause 23	—	As Amended
Clauses 24 & 25	—	As Recommended
Clause 26	—	As Amended
Clauses 27- 39	—	As Recommended
Clause 40	—	As Amended

Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

**11. Committee on Judiciary, Human Rights and Legal Matters:
Report on the Witness Protection Programme (Establishment, etc.) Bill, 2017 (SB. 157):**

Consideration of Report deferred to another Legislative Day.

12. Adjournment:

Motion made: That the Senate do now adjourn till Wednesday, 7th June, 2017 at 10:00 a.m. (*Senate Leader*).

Adjourned accordingly at 1:57 p.m.

Abubakar Olubukola Saraki, CON
President,
Senate of the Federal Republic of Nigeria.