



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA VOTES AND PROCEEDINGS

Tuesday, 11th July, 2017

1. The Senate met at 10:38 a.m. The Senate President read Prayers.
2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Thursday, 6th July, 2017.

Question was put and the Votes and Proceedings were approved.

3. **Announcements:**
(a) **Meeting:**
The Senate President read a letter from GLOBE Nigeria Secretariat as follows:



Announcement! Announcement!! Announcement!!!

Members of the Nigerian Chapter of the Global Legislators Organization for a Balanced Environment (GLOBE Nigeria) will be having a meeting today, Tuesday, 11th July 2017.

Venue: Senate Meeting Room 221

Time: 3pm

Please be punctual.

(Signed)
GLOBE Nigeria Secretariat

- (b) **Acknowledgment:**
The Senate President acknowledged the presence of the following who were in the gallery to observe Senate Proceedings:
 - (i) Members of National Association of Political Science Students, Ekiti State University Chapter, Ado-Ekiti, Ekiti State;
 - (ii) Staff and Students of Medley High School, Mararaba, Nasarawa State;

- (iii) Staff and Students of Methodist Nursery and Primary School, Garki, Abuja; and
- (iv) Staff and Students of Lugbe International Academy, Federal Housing Estate, Lugbe, Abuja.

4. **Personal Explanation:**

Rising on Rule 43, Senator Ike Ekweremadu (*Enugu West*) drew the attention of the Senate to advertorial publication on pages 20, 21, and 22 of the Leadership Newspaper of 11th July, 2017 by the Attorney-General of Kogi State with respect to his contribution on the Floor of the Senate over the process of recalling Senator Dino Melaye (*Kogi West*). He stated that the Attorney-General did not advised the State Government appropriately over the matter. He observed that the advertorial deliberately refuse to quote the relevant Constitutional Provisions which provides that the Senate must be satisfactorily convinced of the genuineness of the cause for the recall. He therefore, affirmed his earlier submission on the matter.

5. **Matter of Urgent Public Importance:**

Rising on Rule 42, Senator Buhari Abdulfatai (*Oyo North*) drew the attention of the Senate to the predicament of over 32,000 students of Ladoke Akintola University of Technology, Ogbomoso, Oyo State who had been at home for more than a year due to the closure of the University. He sought and obtained the leave of the Senate to present the matter.

Matter to stand over to the next Legislative Day [Rule 42(2)].

6. **Matter of Urgent Public Importance:**

Rising on Rules 42 and 52, Senator David Umaru (*Niger East*) drew the attention of the Senate on the flood disaster that affected Suleja and Tafa Local Government Areas of Niger State which rendered people homeless and led to loss to lives and properties. He sought and obtained the leave of the Senate to present the matter forthwith:

The Senate is concerned over the fierce flooding that ravaged homes and farmlands in Tafa and Suleja Local Government Areas of Niger State as a result of heavy rainfall on Sunday, July 9th, 2017;

aware that the unconfirmed reports contained in electronic and print media have put the death toll from the Suleja flood incident to over 15 persons with many lives waiting desperately for shelter, food and medical assistance:

concerned that the scale of the devastation is beyond the capacity of Suleja and Tafa Local Government Councils and indeed Niger State Government to handle except with intervention from the relevant relief agencies of the Federal Government;

worried that recent flood disasters in the country appear to have consistently caught victims off guard in spite of early weather forecast, including prediction of flood, thunderstorm and other extreme weather conditions by the Nigerian Meteorological Agency (NIMET)); and

alarmed that the victims of these flood incidents in Suleja, Tafa and other parts of the country are presently at the risk of contracting water borne diseases such as cholera and even malaria as a result of the devastation caused by the flood to their sanitation and immediate surroundings.

Accordingly resolves to:

- (i) commiserate with the Government and people of Niger State and other areas affected by the flood and other areas so affected aptly described as “waters of sorrows” by the Africa Independent Television (AIT);

- (ii) urge the Federal Government to send relief materials through the National Emergency Management Agency (NEMA) and also support the affected States in any other ways to ensure the immediate repair and reinforcement of damaged infrastructure that could withstand future rainfall and pave way for the resettlement of all flood victims;
- (iii) urge NIMET to intensify its weather forecasts with emphasis on translating such forecasts in languages widely spoken in areas that are likely to experience flood, thunderstorms and other extreme weather conditions;
- (iv) urge the Federal Government to as an emergency intervention measure, release funds from the Ecological Funds to the Niger State Government for immediate construction of drainage systems in Suleja, Tafa and other flood prone areas of Niger State;
- (v) urge Government at all levels to take seriously weather forecast and flood predictions by NIMET and accordingly take proactive measures to minimize loss of lives and properties associated with flooding and other natural disasters; and
- (vi) observe one minute silence in honour of those who lost their lives as a result of the flood incident.

Debate:

Proposed Resolution(i):

Question: That the Senate do commiserate with the Government and people of Niger State and other areas affected by the flood and other areas so affected aptly described as “waters of sorrows” by the Africa Independent Television (AIT).

Amendment Proposed:

Leave out Proposed Resolution (i) and *insert* the following instead thereof:

“commiserate with the Government and people of Niger State and other areas affected by the flood” (*Senator Biodun C. Olujimi — Ekiti South*).

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

Proposed Resolution(ii):

Question: That the Senate do urge the Federal Government to send relief materials through the National Emergency Management Agency (NEMA) and also support the affected States in any other ways to ensure the immediate repair and reinforcement of damaged infrastructure that could withstand future rainfall and pave way for the resettlement of all flood victims — *Agreed to.*

Proposed Resolution(iii):

Question: That the Senate do urge NIMET to intensify its weather forecasts with emphasis on translating such forecasts in languages widely spoken in areas that are likely to experience flood, thunderstorms and other extreme weather conditions — *Agreed to.*

Proposed Resolution(iv):

Question: That the Senate do urge the Federal Government to as an emergency intervention measure, release funds from the Ecological Funds to the Niger State Government for immediate construction of drainage systems in Suleja, Tafa and other flood prone areas of Niger State — *Agreed to.*

Resolved:

That the Senate do:

- (i) commiserate with the Government and people of Niger State and other areas affected by the flood;

- (ii) urge the Federal Government to send relief materials through the National Emergency Management Agency (NEMA) and also support the affected States in any other ways to ensure the immediate repair and reinforcement of damaged infrastructure that could withstand future rainfall and pave way for the resettlement of all flood victims;
- (iii) urge NIMET to intensify its weather forecasts with emphasis on translating such forecasts in languages widely spoken in areas that are likely to experience flood, thunderstorms and other extreme weather conditions;
- (iv) urge the Federal Government to as an emergency intervention measure, release funds from the Ecological Funds to the Niger State Government for immediate construction of drainage systems in Suleja, Tafa and other flood prone areas of Niger State;
- (v) urge Government at all levels to take seriously weather forecast and flood predictions by NIMET and accordingly take proactive measures to minimize loss of lives and properties associated with flooding and other natural disasters; and
- (vi) observe one minute silence in honour of those who lost their lives as a result of the flood incident (*S/Res/015/03/17*).

One minute silence accordingly observed in honour of the deceased.

7. Presentation of Bills:

- (i) Border Communities Development Agency Act 2003 (Amendment) Bill, 2017 (SB. 523) — *Read the First Time.*
- (ii) Institute of Mediators and Conciliators (Establishment, etc.) Bill, 2017 (SB. 512) — *Read the First Time.*
- (iii) Public Enterprises (Privatization and Commercialization) Act (Amendment) Bill, 2017 (SB.444) — *Read the First Time.*
- (iv) Nigerian Dock Labour Act CAP N103 LFN 2004 (Amendment) Bill, 2017 (SB. 526) — *Read the First Time.*
- (v) Chartered Institute of Treasury Management (Establishment, etc.) Bill, 2017 (HB. 100) — *Read the First Time.*

8. Conference Committee:

Report on the Bankruptcy and Insolvency Act Cap B2 LFN 2011 (Repeal and Re-enactment) Bill, 2017 (SB. 09):

Motion made: That the Senate do receive the Report of the Conference Committee on Bankruptcy and Insolvency Act Cap B2 LFN 2011 (Repeal and Re-enactment) Bill, 2017 (*Senator Rafiu I. Adebayo — Kwara South*).

Question put and agreed to.

Report Laid.

9. Conference Committee:

Report on the Forestry Research Institute of Nigeria (Establishment, etc.) Bill, 2017 (SB. 14):

Motion made: That the Senate do receive the Report of the Conference Committee on Forestry Research Institute of Nigeria (Establishment, etc.) Bill, 2017 (*Senator Oluremi S. Tinubu — Lagos Central*).

Question put and agreed to.

Report Laid.

10. Committee on Foreign Affairs:

Report on the Extortion of Pilgrims by the National Hajj Commission of Nigeria (NAHCON)

Motion made: That the Senate do receive the Report of the Committee on Foreign Affairs on the Extortion of Pilgrims by the National Hajj Commission of Nigeria (NAHCON) (*Senator Monsurat J. A. Sunmonu — Oyo Central*).

Question put and agreed to.

Report Laid.

11. Animal Health and Husbandry Technologies (Registration, etc) Bill, 2017 (HB. 320)

Motion made: That A Bill for an Act to Regulate the Practice and to make provisions for Animal Health Husbandry Technologists Registration Board of Nigeria; and for Other Matters Connected Therewith, 2017 be read the Second Time (*Senate Leader*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee of the Whole.

Motion made: Pursuant to Rule 81, that the Senate do resolve into the Committee of the Whole to consider A Bill for an Act to Regulate the Practice and to make provisions for Animal Health Husbandry Technologists Registration Board of Nigeria; and for Other Matters Connected Therewith, 2017(*Concurrence*) (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO REGULATE THE PRACTICE AND TO MAKE PROVISIONS FOR ANIMAL HEALTH HUSBANDRY TECHNOLOGISTS REGISTRATION BOARD OF NIGERIA; AND FOR OTHER MATTERS CONNECTED THEREWITH, 2017.

**PART I - ANIMAL HEALTH AND HUSBANDRY TECHNOLOGISTS
REGISTRATION BOARD OF NIGERIA**

Clause 1: Establishment of the Animal Health and Husbandry Technologist Registration Board of Nigeria.

There is hereby established for Animal Health and Husbandry Technologists a body to be known as the Animal Health and Husbandry technologists Registration Board of Nigeria (hereinafter in the Act referred to as "the Board") which shall be charged with the duty of —

- (a) determining what standards of knowledge and skill are to be attained by persons seeking to become members of the profession and to improve those standards from time to time as Circumstances may permit;
- (b) securing in accordance with the provisions of this Bill, the establishment and maintenance of a register of persons registered under this Bill as members of the profession and the publication from time of lists of those persons.

- (c) conducting examinations in the profession and awarding certificates or diploma to successful candidates as appropriate; and for such purpose, the Board shall prescribe fees to be paid in respect thereof and
- (d) performing any other functions conferred on the Board by this Bill

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 2: Membership of the Board.

- (1) The Board shall comprise —
 - (a) a Chairman who shall be an Animal Health and Husbandry technologist and has been so qualified for not less than twelve years;
 - (b) two Animal Health and Husbandry Technologists to represent the Nigeria association of Animal Health and Husbandry Technologists;
 - (c) six Technologists to represent the States on rotation for three years at a time;
 - (d) one representative from the Federal Ministry of Agriculture who shall be an animal health technologist;
 - (e) two Technologists to represent schools involved in training members of the profession on rotation for three years at a time.
- (2) All appointments in this section shall be made by the Minister on the recommendation of the appropriate bodies, if any.
- (3) The provisions of schedule I to this Bill shall have effect with respect to the matters therein mentioned.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 3: Power of the Board.

- (1) Subject to subsection (2) of this section and to any direction of the Minister under this Bill, the Board shall have powers to do anything which in its opinion is calculated to facilitate the carrying out of its activities under this Bill.
- (2) The Board shall not have power to borrow or to dispose of any property except with the prior consent of the Minister and shall not have power to pay remuneration (including pensions), allowances or expenses to any employees of the Board or any other person except in accordance with the scales that obtain in the Federal Public Service.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 4: Fund of the Board.

- (1) The fund of the Board shall consist of —
 - (a) all fees and other monies payable to the Board in pursuance of this Bill; and
 - (b) such moneys as may be payable to the Board, whether in the course of the discharge of its functions or otherwise.
- (2) There shall be paid out of the fund of the Board —
 - (a) the remuneration and allowances of the Registrar and other employees of the Board;
 - (b) such reasonable traveling and subsistence allowances of "members of the Board in respect of the time spent on the business of the Board as the Board may, with the approval of the Minister, determine: and
 - (c) any other expenses incurred by the Board in the discharge of its functions under this Bill.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 5: Financial provision.

- (1) The Board shall prepare and submit to the Minister not later than the 30th day of June of the year in which this Bill comes into force (so however that the Minister may, if he considers it necessary, extend the period) and of each subsequent year, an estimate of its incomes and expenditure during the next succeeding financial year.
- (2) The Board shall keep proper accounts in respect of each financial year and prepare records in relation to those accounts and shall cause its accounts to be audited within 6 months after the end of each financial year to which the accounts relate.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 6: Control of the Board by the Minister.

The Minister may give to the Board directions of a general character or relating generally to particular matters (but not to any individual person or case) with regard to the exercise by the Board of its function and it shall be the duty of the Board to comply with the directions.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 7: Registrar and Staff of the Board.

- (1) There shall, on the recommendation of the Board be appointed as a Registrar of the Board a fit person who shall be an Animal Health and husbandry Technologist in the employment of the public service of the Federation and who has been qualified as an Animal Health and Husbandry Technologist practitioner for not less than twelve years.
- (2) The Registrar shall, in addition to his other functions under this Bill be the Secretary to the Board and shall on the instruction of the Chairman of the Board or any Committee of the Board convene and keep minutes of the proceeding at all meeting of the Board and committees therefore, as the case may be.
- (3) The Board may appoint such other persons to be employees of the Board as the Board may determine, to assist the Registrar in the exercise of his functions under this Bill.
- (4) The Board may, whenever the Registrar is absent or for another reason is unable to discharge the function of his office appoint an Acting Registrar to discharge his functions.
- (5) The Registrar and other staff of the Board shall hold office on such conditions as the Board may with the approval of the Minister determine

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senate Leader*) — *Agreed to.*

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

PART II — REGISTRATION**Clause 8: Registration of Animal Health and Husbandry Technologist.**

- (1) It shall be the duty of the Registrar to prepare and maintain, in accordance with Rules made by the Board under this section, a register of the names, addresses, approved Qualifications and of such other particulars as may be specified of all persons who are entitled in accordance with the provisions of the act to be registered as Animal Health and Husbandry Technologists and who apply in the specified manner to be so registered.
- (2) Subject to the following provision of this section, the Board shall make rules with respect to the form and keeping of the registers and the making of entries therein, and in particular —
 - (a) regulating the making of application for registration and providing for the evidence to be produced in support of application;
 - (b) providing for the notification to the Registrar by the person to whom any registered particulars relate, of any charge in those particulars;

- (c) authorizing a registered person to have any qualification which is, in relation to the profession, whether an approved qualification or accepted qualification for the purposes of section 10 (2) of this Bill, registered in relation to his name in addition to or, as he may elect, in substitution for any other qualification so registered;
 - (d) specifying the fees to be paid the Board in respect of the entry names on the register and authorizing the registrar to refuse to enter a name on the register until any fees specified for entry has been paid, but rules made for the purposes of paragraph (d) of this subsection shall not come into force until they are confirmed at a meeting of the board.
- (3) It shall be the duty of the Registrar —
- (a) to correct in accordance with the directions of the Board, any entry in the register which the Board directs him to correct as being in the opinion of the Board an entry which was incorrectly made;
 - (b) to make from time to time any necessary alterations to the registered particulars of registered persons;
 - (c) to remove from his register the name of any registered person who has died or has become insane, or for any other reason ceased to be a member of the profession.
- (4) If the Registrar —
- (a) sends by post to any registered person a registered letter addressed to him at his address in the register enquiring whether the registered particulars relating to him are correct and receives no reply to that letter within three month from the date of posting it; and
 - (b) upon the expiration of that period sends in like manner to the person in question a second letter and receives no reply to that letter within three months tram the date of posting it. the Registrar may remove the particulars relating to the person from the register, but the board may direct the Registrar to restore to the register am particulars removed there from under this subsection.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 9: Publication of the Registrar and list of Corrections.

- (1) It shall be the duty of the Registrar —
- (a) to cause the register to be printed, published and put on sale to members of the public not later (two years form the beginning of the year in which this Bill comes into force;
 - (b) in each year after that in which a register is first published under paragraph (a) of this subsection, to cause to be printed. published and put on sale as aforesaid either a corrected edition of the register or a list of alterations made to each register since it was last printed; and

- (c) to cause a print of each edition of the register and of each list of corrections to be deposited at the principal office or the board, and it shall be the duty of the board to keep each register and lists so deposited open at all reasonable time for inspection by members of the public.
- (2) A document purporting to be a print of an edition of a register published under this section by authority of the Registrar in the current year or documents purporting to be prints of an edition of a register so published in the current year, shall (without prejudice to any other mode of proof) be admissible in any proceedings as evidence that any person specified in the document, or the documents read together, as being registered was so registered and that any person not so specified is not so registered.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 10: Registration as Animal Health and Husbandry Practitioners.

- (1) Subject to section 21 of this Bill and the rules made under section 8 (2) of this Bill, a person shall be entitled to be registered under this Bill and being so registered to receive a registration certificate if —
 - (a) he has attended a course of training approved by the Board under section 12 of this Bill;
 - (b) the Course was conducted at an Institution so approved or partly at one such Institution and partly at another;
 - (c) he holds one or more qualification prescribed in schedule 3 to this Bill for the purpose of registration on the register and has complied with the other requirements prescribed under section 8 (2) of this Bill: and
 - (d) he pays any prescribed fees.
- (2) Subject to section 2 of this Bill and to rules made under section 8 (2) of this Bill, a person shall also be entitled to be registered under this Bill and being so Registered to receive a registration certificate if he satisfies the board —
 - (a) that he holds a qualification granted outside Nigeria for the time being accepted by the Board for the purposes of this subsection in respect to the profession.
 - (b) that in the country in which the qualification was granted he was under no legal disability in the practice of the profession:
 - (c) that he is of good character;
 - (d) that he has paid any prescribed fees; and
 - (e) the Board shall from time to time publish in the Gazette particulars of the qualifications for the time being accepted as aforesaid

- (3) The qualifications specified in schedule 3 to this Bill are those accepted for the time being by the Board as the minimum qualification for the purpose of registration on the register maintained under section 8 (1) of this Bill.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 11: Temporary Registration.

- (1) Subject to section 10 of this Bill, a person shall be entitled to be temporarily registered under the Act in cases specified in subsection (2) of this section.
- (2) Where a person satisfies the Board —
- (a) that he has been selected for employment for a specified period in a capacity in which a registered person under this Bill would normally be employed and that he is or intends to be in Nigeria temporarily for the purpose of serving for that period in the employment in question;
- (b) that he holds or has passed examinations necessary for obtaining same qualification granted outside Nigeria which is for the time being accepted by the Board for the purpose of this section as respects the capacity in which, if employed, he is to serve; and
- (c) he pays any fees prescribed for registration, the Board may, if it thinks fit, give a direction that he shall be temporarily registered.
- (3) The temporary registration of a person shall continue only while he is in such employment as is mentioned in sub-section (2) (a) of this section and shall cease —
- (a) on the termination of the period of the employment specified to the board under that sub section: or
- (b) on (he termination of the said employment before the end of that period, whichever first occurs.
- (4) Nothing in subsection (3) of this section shall preclude the Board from giving a further direction under subsection (2) of this section in respect of a specified period, the commencement of which coincides with the termination of another such period.
- (5) A person who is temporarily registered shall, in relation to the employment mentioned under subsection (2) (a) of this section, and to things done or omitted to be done in the course of that employment, be deemed to be fully registered but in respect of other matters he shall be treated as not so registered.
- (6) In case of doubt as to whether a person's employment has been terminated, the decision of the Board shall be conclusive for the purpose of subsection (3) of this section.
- (7) The registrar, as directed from time to time by the board, shall remove from the register the name of any person ceasing to be entitled to benefit from this section.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senate Leader*) — *Agreed to.*

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

PART III — TRAINING**Clause 12: Approval of the courses.**

- (1) Subject to subsection (2) of this section, the Board may approve and for the purposes of section 10 of this Bill —
 - (a) a course of training which is intended for persons seeking to become members of the profession under this Bill and which the Board considers is designed to confer on persons completing it sufficient knowledge and skill for the practice of the profession;
 - (b) any institution either in Nigeria or elsewhere, which the Board considers is properly organized and equipped for conducting the whole or any part of the course of training approved by the Board under this section;
 - (c) any qualification which as a result of the examination takes in conjunction with the course of training approved by the Board under this section, is granted to candidates reaching a standard at the examination indicating, in the opinion of the Board, that they have sufficient knowledge and skill to practice the profession to which the qualification relates.
- (2) The Board shall from time to time publish in the Gazette a list of qualifications relating to the profession approved by it for the purposes of subsection (1) of this section.
- (3) The Board may, if it thinks so, withdraw any approval given under this section in respect of any course, qualification or institution, but before withdrawing such an approval the Board shall —
 - (a) give notice that it proposes to do so to persons in Nigeria appearing to the Board to be persons by whom the course is conducted or the qualification is granted or the institution is controlled, as the case may be.
 - (b) afford each such person an opportunity of making to the Board representation with regard to the proposal; and
 - (c) take into consideration any representation made with regard to the proposal made in pursuance of paragraph (b) of this subsection.
- (4) As respects any period during which, the approval given under this section for his course institution or qualification is withdrawn, the courses or qualification shall not be treated as approved under this section, but the withdrawal of such an approval shall not prejudice the registration or eligibility for registration of any person who by virtue of the approval was registered or eligible for registration immediately before the approval was withdrawn.
- (5) The giving or withdrawal of an approval under this section shall have effect from such date, after the execution of the instrument signifying the giving or withdrawal of the approval, as the Board may specify in that instrument.

- (6) The Board shall as soon as may be, publish a copy of every instrument executed under subsection (5) of this section in the Gazette and send a copy of the instrument to the Minister.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 13: Supervision of Instructions and Examinations Leading to Approved Qualifications.

- (1) It shall be the duty of the Board to keep itself informed of the nature of —
- (a) the instruction given at approved institutions to persons attending approved courses of training: and
 - (b) the examinations as a result of which approved qualifications are granted; and
 - (c) for the purpose or performing that duty, the Board may appoint, either from among its own members or otherwise, person to visit approved institutions or attend such examinations.
- (2) It shall be the duty of a visitor appointed under this section to report to the board on —
- (a) the sufficiency of the instructions given to persons attending approved courses of training at institutions visited by him;
 - (b) the sufficiency of examinations attended by him; and
 - (c) any other matter relating to the institutions or examinations on which the Board may, either generally or in a particular case request him to report but no visitor shall interfere with the giving of any instructions or the holding of any examination.
- (3) On receiving a report made in pursuance of this section, the Board shall as soon as may be send a copy of the report to the person appearing to the Board to be in charge of the institution or responsible for the examinations to which the report relates requesting that person to make representations to the board within such times as may be specified in the request, but not being more than one month beginning with the date of the request.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 14: Power of the Board to consider Matters relating to training.

- (1) The board may consider and if it thinks fit, report to the Minister upon all matters relating to the professional and technical training and other qualifications required for admission to the profession under this Bill and the conditions or practice after registration.
- (2) The Minister may require the Board to advise him on any matter referred to in subsection (1) of this section.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senate Leader*) — *Agreed to.*

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

PART IV — DISCIPLINE

Clause 15: Establishment and composition of Disciplinary Committee and Investigating Panel.

- (1) There is hereby established a disciplinary committee to be known as the Animal Health and Husbandry Technologists Disciplinary Committee (hereinafter in this Bill referred to as "the Disciplinary Committee") which shall be charged with the duty of considering and determining any case referred to it by the panel established by the following provisions of this Bill.
- (2) The Disciplinary Committee shall consist of the Chairman of the Board and six other members of the Board including members holding office by virtue of paragraphs (c), (d) and (e) of subsection (1) of section 2 of this Bill.
- (3) There is hereby established a body to be known as the investigating Panel (hereinafter in the Act referred to as the "panel") which shall be charged with the duty of —
 - (a) conducting preliminary investigation into any case where it is alleged that a registered person has misbehaved in his capacity as such, or should for any other reason be arraigned before the Disciplinary Committee; and
 - (b) deciding whether or not the case should be referred to the Disciplinary Committee.
- (4) The Panel shall be appointed by the Board and shall consist of three members of the Board, one of whom shall be named as the Chairman of the panel and two members who are not members of board.
- (5) The provisions of Schedule 2 to this Bill shall so far as applicable to the Disciplinary Committee and the Panel respectively, have effect with respect to those before.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senate Leader*) — *Agreed to.*

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

PART V — MISCELLANEOUS

Clause 16: Penalties for Unprofessional Conduct.

- (1) Where —
 - (a) a person registered under this Bill is convicted by a Court or Tribunal in Nigeria or elsewhere having power to award punishment for an offence (whether or not the offence is punishable with imprisonment) which in the opinion of the Disciplinary Committee is incompatible with the statute of such registered person: or

- (b) a registered person is judged by the Disciplinary Committee to be quality of infamous conduct in a professional respect: or
 - (c) the Disciplinary Committee is satisfied that the name of any person has been fraudulently registered, the Disciplinary Committee may give any of the directions specified in subsection (2) of the section.
- (2) The Disciplinary Committee in pursuance of subsection (1) of this section may give a direction —
 - (a) ordering the Registrar to strike off the person's name from the register;
 - (b) suspending that person from practice for such period as may be specified in the direction.
 - (c) reprimanding that person;
 - (d) ordering the person to pay to the Board any cost of or incidental to the proceeding incurred by the Board; or
 - (e) cautioning that person and binding him over for a period not exceeding one year on one or more conditions as to his conduct during that period and any such directions may where appropriate, include provisions requiring the refund of moneys paid or the handing over of documents or any other provisions as the case may require
- (3) In any inquiry under this section, any finding of fact which is shown to have been made in —
 - (a) any criminal proceeding in a court in Nigeria; or
 - (b) any civil proceedings in a court in Nigeria shall be conclusive evidence of the fact found.
- (4) If after due inquiry the disciplinary committee is satisfied that during the period of binding over under paragraph (e) of subsection (2) of this section a person has not complied with the condition imposed there under the disciplinary committee may, if it thinks fit, impose anyone or more of the penalties mentioned in subparagraph (a), (b), (c) or (d) of that subsection.
- (5) A certificate under the hand of the Chairman that any costs have been ordered to be paid by a person under this section shall be conclusive of that thereof.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 17: Offences.

- (1) Unless otherwise exempted under this Bill, any person not being a fully registered Animal Health and Husbandry Technologist or. being a fully registered Animal Health and Husbandry technologist and allowing his license to expire so that payment of the Prescribed fee is in arrears for more than one year, who —

- (a) for or on expectation of reward practices or holds himself out as an Animal Health and Husbandry Technologists; or
 - (b) takes or uses any letters alter his name to indicate qualification as an Animal Health and, and Husbandry, technologist; or
 - (c) without reasonable excuse takes or uses any name, title, addition or description implying that he is authorized by law to practice as an Animal Health and husbandry Technologist, shall be guilty of an offence.
- (2) If any person, for the purpose of procuring the registration of any name, qualification or other matter —
 - (a) makes a statement which he believes to be false in a material particular, or;
 - (b) recklessly makes a statement which is false in a material particular, he shall be guilty of an offence.
- (3) If the registrar or any person employed by the Board willfully makes any falsification in any matter relating to the registration he shall be guilty of an offence.
- (4) A person guilty of an offence under this section shall be liable —
 - (a) on summary conviction, to a fine not exceeding twenty-five thousand Naira;
 - (b) on conviction or indictment, to a fine or imprisonment for a term not exceeding two years or to both.
- (5) Where an offence under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of any Director, Manager, Secretary or other similar officer of is. The body corporate, or any person purporting to act in any such capacity, he as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be prosecuted against and punished accordingly.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 18: Restoration of Registration.

- (1) Where the name of a person has been struck out from the register in pursuance of a direction given under section 16 of this Bill, the Disciplinary Committee may, if it thinks fit, any time direct the restoration of the person's name to the register.
- (2) Any application for the restoration of a name to a register shall not be made to the Disciplinary committee before the expiration of such period from the date of the striking off and where he has made an application, from the date of his last application) as may be specified in the direction.

- (3) There shall be payable to the Board by any person on the restoration of his name to a register in pursuance of a direction given under this section the like fees as would be payable by that person on first becoming registered prior to the disciplinary action.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 19: Striking off entries from the Register on grounds of fraud or error.

- (1) If it proved to the satisfaction of the Disciplinary Committee that any entry made in a register has been fraudulently or incorrectly made, the Disciplinary committee may direct that the entry shall be struck off from the register.
- (2) A person may be registered in pursuance of any provision of this Bill notwithstanding that his name has been struck oil in pursuance of a direction given under subsection (1) of this section if his name was struck off on the ground of fraud he shall not be registered except an application in that behalf is made to the Disciplinary Committee; and on any such application the Disciplinary Committee may, if it thinks tit Direct that he shall not be registered until the expiration of such periods as may be specified in the direction.
- (3) Any reference in this Bill to the striking off from or the restoration to a register of the name of a person shall be constructed as including a reference to the striking off from or the restoration to the register of any other registerable particulars relating to that person.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senate Leader*) — *Agreed to.*

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

PART VI — SUPPLEMENTARY PROVISION

Clause 20: Regulations, Rules and Orders.

Any power to make regulations, rules or order conferred by this Bill shall include power —

- (a) to make provision for such incidental and supplementary matters as the authority making the instrument considers expedient for the purpose of the instrument;
- (b) to prescribe membership fees in such amount as the Minister may from time to time, approve; and
- (c) to make different provision for differed circumstance.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 21: Interpretations.

In this Bill unless otherwise requires —

"accepted qualification" means a degree, diploma or other certificate specified in schedule 3 of this Bill.

Question: That the words "accepted qualification" defined in the Interpretation to this Act, put and agreed to.

"an Animal Health Technologist" means a person registered and licensed by this Bill to practice animal health care delivery and welfare in Nigeria.

Question: That the words "an Animal Health Technologist" defined in the Interpretation to this Act, put and agreed to.

"Board" means the Animal Health and Husbandry Technologists Registration Board of Nigeria established under section 1 of this Bill.

Question: That the word "Board" defined in the Interpretation to this Act, put and agreed to.

"member" means member of the Board and include the Chairman.

Question: That the word "member" defined in the Interpretation to this Act, put and agreed to.

"Ministers" means the minister charged with responsibly for matters relating Agriculture.

Question: That the word "Ministers" defined in the Interpretation to this Act, put and agreed to.

"profession" means the Animal Health and Husbandry Technology.

Question: That the word "profession" defined in the Interpretation to this Act, put and agreed to.

"register" means a register maintained under section 8 of this Bill.

Question: That the word "register" defined in the Interpretation to this Act, put and agreed to.

"registrar" means the registrar of the Board appointed under section 7 of this Bill

Question: That the word "registrar" defined in the Interpretation to this Act, put and agreed to.

"registration certificate" means a registration certificate issued under section 10 of this Bill.

Question: That the words "registration certificate" defined in the Interpretation to this Act, put and agreed to.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 22: Citation.

This Bill may be cited as the Animal Health and Husbandry Technologists (Registration, etc.) Bill, 2017.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senate Leader*) — *Agreed to.*

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

SCHEDULES
FIRST SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

1. (1) A person other than a person appointed under section 2 (1) (e), (g) and (h) of this Bill shall not be a member of the Board unless he is a citizen of Nigeria fully registered or in the case of the first members of the board is eligible for registration as member of the profession.
- (2) Where a member of the Board ceases to hold office before the date when his term of office would have expired by his effluxion of time the body or person by whom he was appointed or elected shall as soon as may be, appoint or, as the case may be elect a person to fill the vacancy for the residue of the term aforesaid, so however that the foregoing provisions of this paragraph shall not apply where a person holding office as a member of the board ceases to hold office at a time when the residue of his term does not exceed one year.
2. (1) Subject to the provision of this Paragraph a member of the Board other than a public officer, shall hold office for a period of three years from the date of his appointment and shall be eligible for re-appointment for a further period of three years; thereafter he shall no longer be eligible for re-appointment.
- (2) A member of the Board, other than a public officer, may resign his/her appointment by a letter addressed to the minister and the resignation shall take effect from the date of the receipt of the letter by the Minister.
- (3) The Minister may appoint any person who is a registered Animal Health and Husbandry Technologist to be a temporary member during a long absence or temporary incapacity by illness of any member, and that person may while the appointment subsists; exercise the functions of a member under this Bill.
- (4) The foregoing provisions of this section shall be without prejudice to the provisions of section II of the interpretation Act 1964 which relates to appointments.

Proceeding of the Board

3. The Board may make standing order regulating the proceeding of the Board or of any committee thereof or, in the absence of the Chairman elect a temporary vice-chairman who shall be an Animal Health and Husbandry Technologist and has been so qualified for not less than twelve years for the conduct of affairs of the Board.
4. The quorum of the Board shall be five and the quorum of any committee of the Board shall be as determined by the Board
5. At any time while the office of the Chairman is vacant or the chairman is in the opinion of the Board temporarily or permanently unable to perform the function of his office the vice-Chairman shall perform those function and references in this schedule to the Chairman shall be construed accordingly.

6. (1) Subject to the provisions of any applicable standing orders, the Board shall meet whenever summoned by the Chairman and if the Chairman is required so to do by notice to him by not less than six other members, he shall summon a meeting of the Board to be held within twenty one days from the date on which the notice is given.
- (2) At any meeting of the Board, the chairman or, in his absence, the vice-chairman shall preside but if both are absent the members present at the meeting shall appoint one of their member to preside at that meeting.
- (3) Where the Board wishes to obtain the advice of any person in a particular matter, the Board may co-opt him as a member for such period as it thinks fit, but a person who as a member by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.
7. (1) The Board may appoint one or more committees to carry out on behalf of the Board, such of its functions as the Board may determine.
- (2) A committee appointed under this paragraph shall consist of the number of persons determined by the Board and not more than one-third of those persons may be persons who are not members of the Board; and a person other than a member of the Board shall hold office on the committee in accordance with the terms of the instrument by which he/she is appointed.
- (3) A decision of a committee of the Board shall be of no effect until is confirmed by the Board.
8. (1) The fixing of the seal of the Board shall be authenticated by the signature of the Chairman or of some other member authorized generally or specially by the Board 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 Board by any person generally or specially authorized to act for that purpose by the Board

Question that the provisions of First Schedule stand part of the Bill — Agreed to.

SECOND SCHEDULE

Section 15 (5)

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY COMMITTEE AND THE INVESTIGATING PANEL

The Disciplinary Committee

1. (1) The Attorney-General of the Federation shall make Rules as to the procedure to be followed, and the rules of evidence to be observed in proceeding before the Disciplinary Committee.
- (2) The rules shall in particular provide —
 - (a) for securing that notice of proceedings shall be given at such time, and in such manner as may be specified by the rules, to the person who is the subject of the proceedings

- (b) for determining who in addition to the person aforesaid, shall be a party to the proceeding;
 - (c) for securing that any party to the proceedings shall if he requires, be entitled to be heard by the Disciplinary Committee;
 - (d) for enabling any party to the proceedings to be represented by a legal practitioner;
 - (e) subject to the provisions of section 6 (2) (d) of this Bill, as to the costs to proceedings 3. before the Disciplinary Committee;
 - (f) for requiring, in a case where it is alleged that the person who is the subject of the proceedings is guilty of infamous conduct in any professional respect that where the disciplinary committee finds that the allegations has not been proved it shall record a finding that the person is not guilty of such conduct in respect of the matter to which the allegation relates;
 - (g) for publishing in the Gazette the notice of any direction of the Disciplinary Committee which has taken effect providing that a person's name shall be erased from the register;
2. (1) For the purpose of advising the Disciplinary Committee on questions of law arising in proceedings before it, there shall in all such proceedings be an assessor to the Disciplinary Committee who shall be appointed by the Board on the recommendations of the Attorney-General of the Federation and shall be a legal practitioner of not less than seven years standing
- (2) The Attorney-General of the Federation shall make rules as to the functions of assessors appointed under this paragraph, and in particular such rules shall contain provisions for securing —
- (a) that where an assessor advises the Disciplinary Committee on any question of Law as to evidence, procedure or any other matter specified by the rules, he shall do so in the presence of every party or person representing a party in the proceedings who appears thereat or, if the advice is tendered while the Disciplinary Committee is deliberating in private, that every such party or person as aforesaid shall be informed as to what advice the assessor has rendered;
 - (b) that every party or person as aforesaid shall be informed if in any case the Disciplinary Committee does not accept the advice of the assessor on such a question as aforesaid.
- (3) An assessor may be appointed under this paragraph either generally or for any particular proceedings or class of proceedings and shall hold and vacate office in accordance with the terms of the instrument by which he is appointed.
3. The quorum at any meeting of the Disciplinary committee shall be three.
4. At any meeting of the Disciplinary Committee, the Chairman of the Board shall preside and in his absence the members present shall appoint one of their member to 5. preside at that meeting.
5. Any question proposed for decision by the Disciplinary Committee shall be determined by majority of the members present and voting at a meeting of the Disciplinary Committee at which a quorum is formed.

6. At all meetings of the Disciplinary committee, each member present shall have one vote on a question proposed for decision by the Disciplinary Committee and, in the event of an equality of votes, the Chairman shall in addition to a deliberation vote, have a casting vote.
7. For the purpose of any inquiry the Disciplinary Committee may hear and receive evidence and may under the hand of the Chairman or Registrar summon witness and require the production of any book, document or thing and may through the Registrar administer an oath to any witness.
8. The quorum of the panel shall be three.

The Panel

9. (1) The panel may at any meeting of it attended by not less than four members make standing order for its purpose.
- (2) Subject to the provision of any such standing order the panel may regulate its own procedure.

Miscellaneous

10. (1) A person ceasing to be a member of the Disciplinary Committee or the panel shall be eligible for re-appointment as a member of that body.
- (2) A person may be a member of both the Disciplinary Committee and the panel; but no person who has acted as a member of a panel with respect to any case shall act as a member of the Disciplinary Committee with respect to that case.
11. The Disciplinary committee or panel may act notwithstanding any vacancy in its membership; and the proceedings of either body shall not be invalidated by any irregularity in the appointment of a member of that body; or subject to sub-paragraph (2) 9. of paragraph 10 of this Schedule, by reason of the fact that any person who was not entitled so to do take part in the proceedings of that body,
12. The Disciplinary Committee and the panel may each sit in two or more places.
13. Any document authorized or required by virtue of this Bill to be served on the Disciplinary Committee or the panel shall be served on the Registrar.
14. Any expenses of the Disciplinary Committee or the panel shall be defrayed by the Board

Question that the provisions of Second Schedule stand part of the Bill — Agreed to.

THIRD SCHEDULE

Section 10 (4)

ACCEPTABLE MINIMUM QUALIFICATION FOR THE PURPOSE OF
REGISTRATION ON THE REGISTER ESTABLISHED UNDER THIS BILL

1. Higher National Diploma of the College of Animal health and Production Technology or its recognized equivalent qualification
2. Professional Diploma or Degree of any recognized university.

Question that the provisions of Third Schedule stand part of the Bill — Agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered A Bill for an Act to Regulate the Practice and to make provisions for Animal Health Husbandry Technologists Registration Board of Nigeria; and for Other Matters Connected Therewith, 2017 and approved as follows:

Clauses 1- 22 — As Recommended

Schedules 1- 3 — As Recommended

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

Motion made: That the Bill be now Read the Third Time (*Senate Leader*).

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

12. Nigerian Oil and Gas Industry Content Development Act 2010 (Amendment) Bill, 2017 (HB.99 & 118):

Motion made: That Bill for an Act to Amend the Nigerian Oil and Gas Industry Content Development Act, 2010 and for Purposes Connected Therewith, 2017 be read the Second Time (*Senate Leader*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committees on Upstream Petroleum Resources; and Gas for further Legislative Action.

13. Compulsory Treatment and Care of Victims of Gunshots Bill, 2017 (HB. 119):

Motion made: That a Bill for an Act to Make Provision for the Compulsory Treatment and Care for Victims of Gunshots; and for Other Matters Connected Therewith, 2017 be read the Second Time (*Senate Leader*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee of the Whole.

Motion made: Pursuant to Rule 81, that the Senate do resolve into the Committee of the Whole to consider a Bill for an Act to Make Provision for the Compulsory Treatment and Care for Victims of Gunshots; and for Other Matters Connected Therewith, 2017 (*Concurrence*) (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO MAKE PROVISION FOR THE COMPULSORY TREATMENT AND CARE FOR VICTIMS OF GUNSHOTS; AND FOR OTHER MATTERS CONNECTED THEREWITH, 2017.

Clause 1: Right to treatment.

As from the commencement of this Bill every hospital in Nigeria whether public or private shall accept or receive for immediate and adequate treatment with or without police clearance any person with a gunshot wounds.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 2: Duty to assist.

Every person including security agents shall render every possible assistance to any person with gunshot wounds and ensure that the person is taken to the nearest hospital for immediate treatment.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 3: Preservation of fundamental right of a victim.

Accordingly:

- (i) no person with gunshot wound shall be refused immediate and adequate treatment by any hospital in Nigeria whether or Preservation of not initial monetary deposit is paid.
- (ii) no person with a bullet wound shall be subjected to inhuman and degrading treatment or torture by any person or authority including the police or other security agencies .

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 4: Notification of Police.

It shall be the duty of any hospital that receives or accepts any person with a gunshot wound to report the fact to the nearest police station within two (2) hours of commencement of treatment.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 5: Police to investigate.

Upon receipt of the aforesaid report, the police shall immediately commence investigation with a view to determining the circumstances under which the person was shot.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 6: Certificate of fitness.

The police may not receive any person with gunshot wounds from the hospital for the purposes of investigation unless and until the Chief Medical Director of the hospital certifies him fit and no longer in dire need of Medicare.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 7: Failure to notify Police.

Any hospital that fails to give the information required under section 4 of this Bill commits an offence and on conviction, shall be liable to a fine of ₦100,000.00 and every doctor directly concerned with the treatment shall be liable on conviction to 6 months imprisonment or a fine of ₦100,000.00 or both .

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 8: Relations to make statement.

Any person who receives the information under section 7 of this Bill shall furnish the police or the hospital on demand, such background information on the victim as may be compelled to incriminate the victim.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senate Leader*) — *Agreed to.*

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

Offences and Punishment

Clause 9: Withholding information.

Any person who willfully fails, neglects or refuses to give the information required under section 8 of this Bill commits an offence and shall on conviction, be liable to 1 (one) month imprisonment or a fine of ₦50,000.00 or both.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 10: Protection of volunteer.

Every volunteer or helper of a victim shall be treated with respect and shall not be subjected to unnecessary and embarrassing interrogation in their genuine attempt to save life.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 11: Persons guilty of the offence.

Any person who is guilty of an offence under this Bill especially, when the offence does not lead to death of victim but led to substantial physical, mental, emotional and psychological damage, shall be liable on conviction to imprisonment for a term of not more than 15 years and not less than 5 years without the option of fine.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 12: Duty to notify victim relations.

It shall be the duty of the hospital that receives any person with gunshot wounds to notify the family members or relations of the victim as far as they may ascertain within twenty-four hours of becoming aware of the victims' identity

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 13: Offence of standing by.

Any person or authority including any police officer or other security agents or hospital who stands by or omits to do his bit which results in the unnecessary death of any person with bullet wounds commits an offence and shall on conviction be liable to 5 years imprisonment a fine of ₦50,000.00 or both.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 14: Records.

Every hospital or facility that takes or receive for treatment any person with bullet wounds shall keep adequate record of the treatment .

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 15: Trial of a Corporate Body.

Any Corporate Body being guilty of an offence under this Bill, the Head of the Body shall be prosecuted in accordance with the provision of sections 11 and 13 of this Bill.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 16: Restitution.

- (1) addition to any other penalty under this Bill, the High Court shall order a person or corporate body convicted of an offence, to make restitution to the victim by directing that person or corporate body to pay to the victim(s), an amount equivalent to the loss sustained by the victim(s).
- (2) An order of restitution may be enforced by the victim or by the prosecutor on behalf of the victim in the same manner as a judgment in a civil action.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 17: Interpretation.

In this Bill, except the context otherwise requires:

"Court" shall be High Court of a State.

Question: That the word " Court" defined in the Interpretation to this Act, put and agreed to.

"Health Institution" any Institution offering medical services.

Question: That the words " Health Institution" defined in the Interpretation to this Act, put and agreed to.

"Health Officer" any officer working in a Health Institution.

Question: That the words " Health Officer" defined in the Interpretation to this Act, put and agreed to.

"Trust Fund" money contributed in a poll by a person or organization for a specific purpose "Victim" means a person who sustains injuries as a result of gunshot, powder burn and other injuries arising out of or caused by the discharge of a firearm.

Question: That the words " Trust Fund" defined in the Interpretation to this Act, put and agreed to.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 18: Citation.

This Bill may be cited as the Compulsory Treatment and Care of Victims of Gunshots Bill, 2017.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senate Leader*) — *Agreed to.*

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

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered a Bill for an Act to Make Provision for the Compulsory Treatment and Care for Victims of Gunshots; and for Other Matters Connected Therewith, 2017 and approved as follows:

Clauses 1- 18 — As Recommended

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

Motion made: That the Bill be now Read the Third Time (*Senate Leader*).

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

14. Corporate Manslaughter Bill, 2017 (HB. 273):

Motion made: That a Bill for an Act to Provide for Corporate Manslaughter to make Corporate Organizations Criminally liable for death of Employees arising from their acts of Omission; and for Other Related Matters, 2017 be read the Second Time (*Senate Leader*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee of the Whole.

Motion made: Pursuant to Rule 81, that the Senate do resolve into the Committee of the Whole to consider a Bill for an Act to Provide for Corporate Manslaughter to make Corporate Organizations Criminally liable for death of Employees arising from their acts of Omission; and for Other Related Matters, 2017 (*Concurrence*) (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO PROVIDE FOR CORPORATE MANSLAUGHTER TO MAKE CORPORATE ORGANIZATIONS CRIMINALLY LIABLE FOR DEATH OF EMPLOYEES ARISING FROM THEIR ACTS OF OMISSION; AND FOR OTHER RELATED MATTERS, 2017.

PART I — OFFENCES

Clause 1: The offence.

- (1) Any organisation whose activities are managed or organized in such a way that it results in the death of a person and such death is occasioned by a gross breach of a relevant duty of care owed by the organization to the deceased is guilty of Corporate manslaughter.
- (2) The organisations to which this section applies are —
 - (a) a corporate organization whether private or public;
 - (b) a government department, whether at the Federal, State or Local Government Council level;
 - (c) a police force, paramilitary and the armed forces;
 - (d) a partnership, or a trade union or employers' association that is an employer.

- (3) An organisation is guilty of an offence under this section only if the way in which its activities are managed or organised by its senior management is a substantial element in the breach referred to in subsection (1).
- (4) For the purposes of this —
 - (a) "relevant duty of care" has the meaning given by section 2, read with sections 3 to 7;
 - (b) a breach of a duty of care by an organisation is "a gross" breach if the conduct alleged, falls far below what can reasonably be expected of the organization in the circumstances;
 - (c) "senior management", in relation to an organisation, means the persons who play significant roles in —
 - (i) the making of decisions about how the whole or a substantial part of its activities are to be managed or organised, or
 - (ii) the actual managing or organising of the whole or a substantial part of those activities.
- (5) An organisation that is guilty of corporate manslaughter is liable on conviction or indictment to a fine.
- (6) The High Court at the Federal and State levels shall have jurisdiction to try cases of corporate manslaughter.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 2: Meaning of relevant duty of care.

- (1) A "relevant duty of care", in relation to an organisation, means any of the following duties owed by it under the law of negligence —
 - (a) a duty owed to its employees or to other persons working for the organisation or performing services for it;
 - (b) a duty owed as occupier of premises;
 - (c) a duty owed in connection with —
 - (i) the supply by the organisation of goods or services (whether for consideration or not),
 - (ii) the carrying on by the organisation of any construction or maintenance operations,
 - (iii) the carrying on by the organisation of any other activity on a commercial basis, or
 - (iv) the use or keeping by the organisation of any plant, vehicle or other thing;
 - (d) a duty owed to a person who, by reason of being a person within subsection (2), is someone for whose safety the organisation is responsible.

- (2) A person is within this subsection if —
- (a) he is detained at a custodial institution or in a custody area at a court or police station or short term holding facility;
 - (b) he is being transported in a vehicle, or being held in any premises, in pursuance of prison escort arrangements or immigration escort arrangements;
 - (c) he is living in secure accommodation in which he has been placed;
 - (d) he is a detained patient.
- (3) Subsection (1) is subject to sections 3 to 7.
- (4) A reference in subsection (1) to a duty owed under the law of Negligence includes a reference to a duty that would be owed under the law of negligence but for any statutory provision under which liability is imposed in place of liability under that law.
- (5) For the purposes of this Bill, whether a particular organization owes a duty of care to a particular individual is a question of law and the judge must make any findings of fact necessary to decide that question.
- (6) For the purposes of this Bill there is to be disregarded —
- (a) any rule of the common law that has the effect of preventing a duty of care from being owed by one person to another by reason of the fact that they are jointly engaged in unlawful conduct;
 - (b) any such rule that has the effect of preventing a duty of care from being owed to a person by reason of his acceptance of a risk of harm.
- (7) In this section —
- "construction or maintenance operations" means operations of any of the following descriptions —
- (a) construction, installation, alteration, extension, improvement, repair, maintenance, decoration, cleaning, demolition or dismantling of —
 - (i) any building or structure,
 - (ii) anything else that forms, or is to form, part of the land, or
 - (iii) any plant, vehicle or other thing;
 - (b) operations that form an integral part of, or are preparatory to, or are for rendering complete any operations within paragraph (a);
- "custodial institution" means a prison, a secure training centre, a young offenders or juvenile justice centre or a remand centre;
- "detained patient" means —
- a person who is detained in any premises, or is otherwise in custody, under any health or mental health care treatment programme.

"immigration escort arrangements" means arrangements made under the provisions of the Immigration Act;

"secure accommodation" means accommodation, not consisting of or forming part of a custodial institution, provided for the purpose of restricting the liberty of persons under the age of 18

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 3: Public policy decision.

- (1) Any duty of care owed by a public authority in respect of a decision as to matters of public policy (in particular the allocation of public resources or the weighing of competing public interests) is not a "relevant duty of care".
- (2) Any duty of care owed in respect of things done in the exercise of an exclusively public function is not a "relevant duty of care" unless it falls within section 2 (1) (a), (b) or (d).
- (3) Any duty of care owed by a public authority in respect of inspections carried out in the exercise of a statutory function is not a "relevant duty of care" unless it falls within section 2 (1) (a) or (b).
- (4) In this section —
"exclusively public function" means a function that falls within the prerogative of the President or is, by its nature, exercisable only with authority conferred —
 - (a) by the exercise of that prerogative, or
 - (b) by or under a statutory provision;

"statutory function" means a function conferred by or under a statute.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 4: Military activities.

- (1) Any duty of care owed by the Ministry of Defence in respect of —
 - (a) operations within subsection (2),
 - (b) activities carried on in preparation for, or directly in support of, such operations, or
 - (c) training of a hazardous nature, or training carried out in a hazardous way, which it is considered needs to be carried out, or carried out in that way, in order to improve or maintain the effectiveness of the armed forces with respect to such operations, is not a "relevant duty of care".

- (2) The operations within this subsection are operations, including peacekeeping operations and operations for dealing with terrorism, civil unrest or serious public disorder, in the course of which members of the armed forces come under attack or face the threat of attack or violent resistance.
- (3) Any duty of care owed by the Ministry of Defence in respect of activities carried on by members of the special forces is not a "relevant duty of care".

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 5: Policing and law enforcement.

- (1) Any duty of care owed by a public authority in respect of —
 - (a) operations within subsection (2),
 - (b) activities carried on in preparation for, or directly in support of such operations, or
 - (c) training of a hazardous nature, or training carried out in a hazardous way, which needs to be carried out in that way in order to improve or maintain the effectiveness of officers or employees of the public authority with respect to such operations, is not a "relevant duty of care".
- (2) Operations are within this subsection if —
 - (a) they are operations for dealing with terrorism, civil unrest or serious disorder,
 - (b) they involve the carrying on of policing or law-enforcement activities, and
 - (c) officers or employees of the public authority in question come under attack, or face the threat of attack or violent resistance, in the course of the operations.
- (3) Any duty of care owed by a public authority in respect of other policing or law enforcement activities is not a "relevant duty of care" unless it falls within section 2 (1) (a), (b) or (d).
- (4) In this section "policing or law-enforcement activities" includes activities carried on in the exercise of functions that are —
 - (a) functions of police force, or other law enforcement agencies;
 - (b) functions of the same or a similar nature exercisable by any public authority other than the security agencies.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 6: Emergencies.

- (1) Any duty of care owed by an organisation within subsection (2) in respect of the way in which it responds to emergency circumstances is not a "relevant duty of care" unless it falls within section 2 (1) (a) or (b).
- (2) The organisations within this subsection are —
 - (a) a fire and rescue authority in Nigeria;
 - (b) any other organisation providing a service of responding to emergency circumstances;
 - (c) an organisation providing ambulance services;
 - (d) an organisation providing services for the transport of organs, blood, equipment or personnel in pursuance of emergency;
 - (e) an organisation providing a rescue service;
 - (f) the armed forces.
- (3) For the purposes of subsection (1), the way in which an organisation responds to emergency circumstances does not include the way in which—
 - (a) medical treatment is carried out, or
 - (b) decisions within subsection (4) are made.
- (4) The decisions within this subsection are decisions as to the carrying out of medical treatment, other than decisions as to the order in which persons are to be given such treatment.
- (5) Any duty of care owed in respect of the carrying out, or attempted carrying out of a rescue operation at sea in emergency circumstances is not a "relevant duty of care" unless it falls within section 2 (1) (a) or (b).
- (6) In this section —

"emergency circumstances" means circumstances that are present or imminent and —

 - (a) are causing, or are likely to cause, serious harm or a worsening of such harm, or
 - (b) are likely to cause the death of a person;

"medical treatment" includes any treatment or procedure of a medical or similar nature;

"serious harm" means —

 - (a) serious injury to or serious illness (including mental illness) of a person;
 - (b) serious harm to the environment (including the life and health of plants and animals);
 - (c) serious harm to any building or other property (*Senate Leader*).

Amendment Proposed:

Leave out Subclause 6(6) and transfer to interpretation (*Senator James E. Manager — Delta South*).
Question that the amendment be made, put and agreed to.

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

Clause 7: Child-protection functions.

- (1) A duty of care to which this section applies is not a "relevant duty of care" unless it falls within section 2 (1) (a), (b) or (d).
- (2) This section applies to any duty of care that an organization or local authority or other public authority owes in respect of the exercise of its functions conferred by or under any law.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 8: Power of court.

- (1) A court which convicts an organisation of corporate manslaughter may make a "remedial order" requiring the organisation to take specified steps to remedy —
 - (a) the breach mentioned in section 1 (1) ("the relevant breach");
 - (b) any matter that appears to the court to have resulted from the relevant breach and to have been a cause of the death;
 - (c) any deficiency, as regards health and safety matters, in the organisation's policies, systems or practices of which the relevant breach appears to the court to be an indication.
- (2) A remedial order may be made only on an application by the Prosecution specifying the terms of the proposed order and any such order must be on such terms (whether those proposed or others) as the court considers appropriate having regard to the representations made and evidence adduced in relation to the matter by the prosecution or on behalf of the defence.
- (3) Before making an application for a remedial order the prosecution must consult such enforcement authority or authorities as it considers appropriate having regard to the nature of the relevant breach.
- (4) A remedial order —
 - (a) must specify a period within which the steps referred to in subsection (1) are to be taken;
 - (b) may require the organisation to supply to an enforcement authority consulted under subsection (3), within a specified period, evidence that those steps have been taken.
- (5) A period specified under this subsection may be extended or further extended by order of the court on an application made before the end of that period or extended period.

- (6) An organisation that fails to comply with a remedial order is guilty of an offence, and liable on conviction or indictment to a fine.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 9: Power to order publication of the conviction.

- (1) A court before which an organisation is convicted of manslaughter may make an order requiring to publicise in a specified manner —
- (a) that it has been convicted of the offence;
 - (b) the particulars of the offence;
 - (c) the amount of any fine imposed;
 - (d) the terms of any remedial order made.
- (2) In deciding on the terms of a publicity order that it is proposing to make, the court shall —
- (a) ascertain the views of such enforcement authority or authorities (if any) as it considers appropriate, and
 - (b) have regard to any representations made by the prosecution or on behalf of the organisation.
- (3) A publicity order —
- (a) shall specify a period within which the requirements referred to in subsection (1) are to be complied with;
 - (b) may require the organisation to supply to any enforcement authority whose views have been ascertained under subsection (2), within a specified period, evidence that those requirements have been complied with.
- (4) An organisation that fails to comply with a publicity order is guilty of an offence and liable on conviction or indictment to a fine.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 10: Application of the Bill to Armed Forces.

- (1) In this Bill "the Armed Forces" means the army, navy or airforce of the Federal Republic of Nigeria.
- (2) For the purposes of section 2 a person who is a member of the armed forces is to be treated as employed by the Ministry of Defence.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 11: Application to Police Force.

- (1) In this Bill "Police Force" means a police force within the meaning of the Police Act.
- (2) For the purposes of this Bill, a police force is to be treated as owing whatever duties of care it would owe if it were a body corporate.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 12: Application to Partnerships.

- (1) For the purposes of this Bill, a partnership is to be treated as owing whatever duties of care it would owe if it were a body corporate.
- (2) Proceedings for an offence under this Bill alleged to have been committed by a partnership are to be brought in the name of the partnership (and not in the name of any of its members).
- (3) A fine imposed on a partnership on its conviction for an offence under this Act is to be paid out of the funds of the partnership.
- (4) This section does not apply to a partnership that is a legal person under the law by which it is governed .

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 13: Criminal proceedings.

Any statutory provision (whenever made) in relation to criminal proceedings against a corporation shall subject to necessary modifications apply to proceedings under this Bill against —

- (a) a department or other government body,
- (b) a police force,
- (c) a partnership,
- (d) a trade union, or
- (e) an employers' association that is not a corporation.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 14: Transfer of liability.

- (1) Where a person's death has occurred, or is alleged to have occurred, in connection with the carrying out of the functions of a public organisation and subsequently there is a transfer of those functions to another organisation, any proceedings against the former organization under this Bill shall be instituted against the organization that inherits its functions.

- (2) Where the transfer of functions occurs while proceedings for an offence under this Bill is pending, the proceedings are to be continued against the organisation by which such functions are subsequently carried out as a result of the transfer;
- (3) Where as a result of the transfer no such organisation carries out the functions, the proceedings shall be instituted against the same or any other organisation by which the functions were last carried out.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 15: Consent of the Attorney-General.

Proceedings for an offence of corporate manslaughter may not be instituted except with the consent of the Attorney-General of the Federation.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 16: Exemption of individual Liability.

An individual cannot be convicted of aiding, abetting, counseling or procuring or being party to the commission of an offence of corporate manslaughter.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 17: Charges under this Bill not a bar to and charges under any health and safety legislation.

- (1) Where in the same proceedings there is —
 - (a) a charge of corporate manslaughter arising out of a particular set of circumstances,
 - (b) a charge against the same defendant of a health and safety offence arising out of some or all of those circumstances, the court may, if the interests of justice so require, return a verdict on each charge.
- (2) An organisation that has been convicted of corporate manslaughter arising out of a particular set of circumstances may, if the interests of justice so require, be charged with a health and safety offence arising out of some or all of those circumstances.
- (3) In this section "health and safety offence" means an offence under any health and safety legislation.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 18: Extent of territorial application.

- (1) Section 1 applies if the harm resulting in death is sustained in the Federal Republic of Nigeria or —
 - (a) within the seaward limits of the territorial sea adjacent to the Federal Republic of Nigeria; or
 - (b) on a Nigerian controlled ship, aircraft, hovercraft; or
 - (c) in any place to which the Petroleum Act applies.
- (2) For the purposes of subsection (1) (b) and (c) harm sustained on a ship, aircraft or hovercraft includes harm sustained by a person who —
 - (a) is then no longer on board the ship, aircraft or hovercraft in consequence of the wrecking of it or of some other mishap affecting it or occurring on it, and
 - (b) sustains the harm in consequence of that event.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 19: Interpretation.

In this Bill —

"corporation" means any body corporate that is incorporated but does not include a corporation sole.

Question: That the word "Corporation" defined in the Interpretation to this Act, put and agreed to.

"employee" means an individual who works under a contract of employment or apprenticeship (whether express or implied and, if express, whether oral or in writing), and related expressions are to be construed accordingly.

Question: That the word "employee" defined in the Interpretation to this Act, put and agreed to.

"enforcement authority" means an authority responsible for the enforcement of any health and safety legislation .

Question: That the words "enforcement authority" defined in the Interpretation to this Act, put and agreed to.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 20: Short Title.

This Bill may be cited as the Corporate Manslaughter Bill, 2017.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senate Leader*) — *Agreed to.*

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

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered a Bill for an Act to Provide for Corporate Manslaughter to make Corporate Organizations Criminally liable for death of Employees arising from their acts of Omission; and for Other Related Matters, 2017 and approved as follows:

Clauses 1- 20 — As Recommended

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

Motion made: That the Bill be now Read the Third Time (*Senate Leader*).

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

15. National Child Protection and Enforcement Agency Bill, 2017 (HB. 127):

Motion made: That a Bill for an act to Establish the National Child Protection and Enforcement Agency; and for Other Related Matters, 2017 be read the Second Time (*Senate Leader*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee of the Whole.

Motion made: Pursuant to Rule 81, that the Senate do resolve into the Committee of the Whole to consider a Bill for an act to Establish the National Child Protection and Enforcement Agency; and for Other Related Matters, 2017 (*Concurrence*) (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO ESTABLISH THE NATIONAL CHILD PROTECTION AND ENFORCEMENT AGENCY; AND FOR OTHER RELATED MATTERS, 2017.

PART I — ESTABLISHMENT

Clause 1: Establishment of the National Child Protection and Enforcement Agency.

- (1) There is hereby established a body to be known as the National Child Protection and Enforcement Agency (in this Bill referred to as the "Agency").
- (2) The Agency Shall be a body corporate with perpetual succession, a common seal and may sue and be sued in its corporate name.
- (3) The Head Office of the Agency shall be in Abuja, with Zonal Offices in the six geopolitical zones of the country.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 2: Establishment, Membership and Appointment of Members of the Governing Council.

- (1) There is hereby established for the Agency a Governing Council (in this Bill referred to as the "Council") which shall be the governing authority responsible for its policies and shall also superintend generally the affairs of the Agency.
- (2) The Council shall consist of —
 - (a) a Chairman shall be a person who by reason of ability, character and knowledge, is experienced in child protection matters;
 - (b) a representative each, not lower than the rank of a Director, of the following Federal Ministries and Agencies:
 - (i) Women Affairs and Social Development;
 - (ii) Education;
 - (iii) Health;
 - (iv) Justice;
 - (v) National Human Right Commission;
 - (vi) National Population Commission;
 - (vii) The Nigerian Police (not lower than the rank of a Commissioner of Police);
 - (c) one representatives from Child Right NGO;
 - (d) one member of the National Child Right Committee;
 - (e) a representative of the Christian Association of Nigeria;
 - (f) a representative of the Supreme Council of Islamic Affairs;
 - (g) one person from each geopolitical zone;
 - (h) the Executive Secretary of the Agency.
- (3) The Chairman and members of the Council, who are not representing Ministries and other statutory bodies, shall be appointed by the President on the recommendation of the Minister Subject to confirmation by the Senate.
- (4) The supplementary provisions set out in Schedule 1 to this Bill shall have effect with respect to the proceedings of the Council and other matters contained therein.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 3: Tenure of Office, etc.

- (1) A member of the Council, other than Executive Secretary, shall hold office for a term of four years and may be re-appointed for one further term of four years and no more PROVIDED that the representatives from the 6 geopolitical zones shall operate on a rotational basis within each zone and shall serve for a term of four year only with no extension.
- (2) A member of the Council may at any time resign from office in writing addressed to the President and such resignation shall become effective on acceptance by the President.
- (3) Members of the Council shall be paid such allowances as may be determined by the Federal Government.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 4: Cessation of Membership.

- (1) A member of the Council shall cease to hold office if —
 - (a) he becomes of unsound mind; or
 - (b) he becomes bankrupt or makes a compromise with his creditors; or
 - (c) he is convicted of a felony or any offence involving dishonesty; or
 - (d) he is guilty of serious misconduct in relation to his/her duties.
- (2) A member of the Council may be removed from office by the President on the recommendation of the Council if he satisfied that it is not in the interest of the public that the member should remain in office.
- (3) Where a member of the Council ceases to hold Office for any reason whatsoever before the expiration of the term for which he is appointed, another person representing the same interest as that member shall be appointed to the Council for the unexpired term.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senate Leader*) — *Agreed to.*

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

PART II — FUNCTIONS AND POWERS**Clause 5: Functions of the Agency.**

The Agency shall —

- (a) deal with all matters relating to the protection of children as guaranteed by the Constitution of the Federal Republic of Nigeria and all other domestic and international laws operative in Nigeria;
- (b) ensure Child sensitive social protection policies that addresses child poverty, vulnerability and risks.

- (c) monitor and analyze patterns and trends of child rights violations in Nigeria in liaison with States child rights (human rights) monitoring bodies, and other child protection agencies, and make appropriate recommendations to the Government for policies, guidelines and programmes on prevention and mitigation measures;
- (d) undertake studies, researches, surveys, etc. on all matters relating to the protection of children and assist the Government in the formulation of appropriate policies;
- (e) compile data regularly on child rights violations in collaboration with relevant sectors including, but not limited to, justice, public health, education, social welfare, and publish regularly reports on the state of child rights protection in Nigeria;
- (f) coordinate and supervise the activities of all child protection service providers in Nigeria, to ensure timely provision of appropriate assistance to victims of child rights violation;
- (g) monitor the provision of victims' assistance support with a view to identify gaps and bottlenecks and make recommendations on corrective measures;
- (h) advise the Government in the formulation of appropriate policies and guidelines to establish and ensure the standard of services for redress and remedies and make recommendations for capacity building wherever necessary;
- (i) organize and/or participate in seminars, workshops, conferences and other activities on child protection issues, alone or in collaboration with other organizations, both within and outside Nigeria;
- (j) present periodic progress report to the Minister for onward transmission to the National Assembly;
- (k) networking with similar Agencies outside Nigeria; and
- (l) carry out all such other functions as are necessary or expedient for the performance of these functions under the Act.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 6: Special Powers of the Agency.

The Agency shall have power to —

- (a) act as a coordinating, regulatory and enforcement mechanism for Government and Non-Governmental bodies involved in the prevention of child abuse, child exploitation, the protection and rehabilitation of victims of such abuse;
- (b) cause investigations to be conducted with respect to the Commission of offences under the Childs Rights Act;

- (c) do all things which by this Bill or any other enactment are required or permitted to be done by the Agency; and
- (d) do such other things as are necessary or expedient for the performance of its functions under this Bill.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 7: Establishment of Special Units.

- (1) For the effective conduct of the functions of the Agency, there shall be established the following units:
 - (a) the Investigation Unit;
 - (b) the Counseling and Rehabilitation Unit;
 - (c) the Public Enlightenment Unit;
 - (d) the Legal Unit;
 - (e) the Research and Statistics Unit
 - (f) such other units as the Agency may deem fit to establish with the approval of the Council.
- (2) Notwithstanding the provisions of subsection (1) of this section, the Agency shall have power to set up Technical Committees and Task Forces to assist the Agency in the performance of its duties and functions under this Bill.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senate Leader*) — *Agreed to.*

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

- Clause 8:**
- (1) The Investigation Unit shall investigate complaints and petitions received in respect of violations of the provisions of the Child Right Act and shall liaise and collaborate with the Police and other relevant Agencies for the prevention of offences and detention of offenders in violation of the provisions of the Child Rights Act.
 - (2) The Counseling and Rehabilitation Unit shall in collaboration with the Ministry and other relevant Agencies be responsible for:
 - (a) counseling, aftercare rehabilitation, social reintegration and education of abused children;
 - (b) counseling and promotion of the welfare of abused children.
 - (3) The Public Enlightenment Unit shall be responsible for campaigns, seminars and workshops aimed at educating the public on the provisions of the Child Rights Act and the need for the Protection of the rights and welfare of Children.

- (4) The Legal Unit shall be responsible for ensuring the prosecution of offenders and violators of the provisions of the Childs Rights Act in collaboration with the relevant Agencies.
- (5) The Research and Statistic Unit shall be responsible for the production of relevant documents and Children Databank and resources which are to be updated periodically.
- (6) There shall be appointed for each of the Units a Principal Officer who shall be known by such designation as the Agency may determine.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senate Leader*) — *Agreed to.*

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

PART III — STAFF

Clause 9: Executive Secretary of the Agency.

- (1) There shall be for the Agency an Executive Secretary who shall be the Chief Executive and Accounting Officer of the Agency and be appointed by the President on the recommendation of the Minister subject to confirmation by the Senate.
- (2) The Executive Secretary shall hold office for a term of four years in the first instance on such terms and conditions as the President may, on the recommendation of the Minister determine, and may be re-appointed for one further term of four years and no more.
- (3) Subject to such general directions as the Council may give, the Executive Director shall be responsible for the day-to-day administration of the Agency and the implementation of the decisions of the Board.
- (4) The Executive Secretary shall perform the functions of keeping the records of proceedings and decisions of the Council and such other functions as the Board may, from time to time, direct.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 10: Other Staff of the Agency.

- (1) The Council shall have power to appoint directly, and either on transfer or on secondment from any public service in the Federation, such number of employee as may, in the opinion of the Council, be required to assist the Agency in the discharge of any of its functions under this Bill, and shall have power to pay to persons so employed such remuneration (including allowances) as the Council may determine.
- (2) The terms and conditions of service (including terms and conditions as to remuneration, allowances, pensions, gratuities and other benefits) of the persons employed by the Agency shall be as determined by the Council from time to time.

- (3) The Council may engage such consultants and advisers as its may require for the proper and efficient discharge of the functions of the Agency

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 11: Staff Regulations.

The Agency may subject to the provisions of this Bill, make staff regulations relating generally to the conditions of service of the employees of the Agency 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 Agency; and
- (b) appeals by such employees against dismissal or other disciplinary measures.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 12: Condition of Service.

The Agency shall, with the approval of the Minister determine its conditions of service, including pensions and gratuities, as are appropriate for its employees

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 13: Pensions Cap 346 LFN.

- (1) It is hereby declared that service in the Agency is a scheduled service and shall be deemed to be pensionable under this Bill and, accordingly, employees of the Agency shall in respect of their service in the Agency, be entitled to pensions, gratuities and other retirement benefits as are prescribed there-under.
- (2) Notwithstanding the provisions of sub-section (1) of this section, nothing in this Bill shall prevent the appointment of a person to any office on terms which preclude the grant of a pension or gratuity in respect of that office.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senate Leader*) — *Agreed to.*

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

PART IV — FINANCIAL PROVISIONS

Clause 14: Funds of the Agency.

- (1) The Agency shall establish and maintain a fund which shall be applied towards the discharge of its functions under this Bill.

- (2) There shall be paid and credited to the fund established pursuant to sub-section (1) of this section —
 - (a) such sums as may be provided by the Government of the Federation for the Agency.
 - (b) any fees charged for services rendered by the Agency; and
 - (c) all other sums accruing to the Agency by way of gifts, testamentary depositions, endowments, contributions from philanthropic persons and organizations or otherwise

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 15: Gift.

- (1) The Agency may accept gift of land, money or other property on such terms and conditions, if any, as may be specified by the person or organization making the gift.
- (2) The Agency shall not accept any gift if the conditions attached by the person or organization making the gift are inconsistent with the functions of the Agency.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 16: Borrowing Powers, etc.

- (1) The Council may, with the consent or in accordance with any specific authority given by the Minister, borrow by overdraft or otherwise from any source approved by the Minister such specified amount of money as may be required by the Agency for meeting its obligation and discharging its functions under this Bill.
- (2) The Council may, subject to the Provisions of this Bill and the conditions of any trust created in respect of any property, invest all or any of its funds with consent or general authority of the Minister

Cap. 449, LFN.

- (3) The Council may invest any surplus funds of the Agency in securities prescribed by the Trustee Investment Act or such other securities as may, from time to time, be approved by the Minister.

Cap. 202, LFN.

- (4) Subject to the provisions of the Land Use Act, and any special or general direction which the Minister may give in that behalf, the Council may acquire or lease any land required for its purpose under this Bill.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 17: Annual Estimates, Accounts and Audit.

- (1) The Council shall cause to be prepared, not later than 30th September in each year, an estimate of the expenditure and income of the Agency during the next succeeding year and when prepared they shall be submitted to the Minister.
- (2) The Council shall cause to be kept proper accounts and proper records in relation thereto and when certified by the Board such accounts shall be audited as provided in sub-section (3) of this section.
- (3) The accounts of the Agency shall be audited by auditors appointed from the list of auditors and in accordance with the guidelines issued by the Auditor-General of the Federation and the fees of the auditors and the expenses for the audit generally shall be paid from the funds of the Agency.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 18: The Council shall not later than six months after the end of each year, submit, through the Minister to the Federal Executive Council a report on the activities of the Agency and its administration during the immediate preceding year and shall include in the report the audited accounts of the Agency and the auditors comments thereon.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senate Leader*) — *Agreed to.*

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

PART V — MISCELLANEOUS PROVISIONS**Clause 19: Power of Supervising Minister to give Directive.**

Subject to the provisions of this Bill, the Minister may give to the Council such directives of a general nature with regard to the exercise by the Board of its functions under this Bill.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 20: Regulations.

The Minister may make such regulations as he deems to be necessary or expedient for giving full effect to the provisions of this Bill.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 21: Interpretation.

In this Bill, unless the context otherwise requires —

"Agency" means the National Child Protection and Enforcement Agency as establishment under section (1) of this Bill.

Question: That the word "Agency" defined in the Interpretation to this Act, put and agreed to.

"Child Abuse and exploitation" include a political, economic, social or cultural treatment that promotes a deprivation and violation of children's right, or an action that deprives a child from the fundamental rights to life, development, protection and participation.

Question: That the words "Child Abuse and exploitation" defined in the Interpretation to this Act, put and agreed to.

"Council" means the Governing Council established for the Agency under this Bill

Question: That the word "Council" defined in the Interpretation to this Act, put and agreed to.

"Domestic Laws on Children" include Child Right Act Federation, various State Legislations on specific issues pertaining to children, provisions of Federal laws, relating to children such as the Criminal Code, Penal Code, Labour laws, Immigration laws, legislations on health issues, etc.

Question: That the words "Domestic Laws on Children" defined in the Interpretation to this Act, put and agreed to.

"International laws on children" include the UN Convention on the Rights of the Child (1989), the African Charter on the Rights and Welfare of the Child (1990), ILO Convention 182 on Minimum Age on Elimination of the Worse Forms of Child Labour (1999), Optional Protocol on the Convention on Elimination of All Forms of Discrimination Against Women (1979), Optional Protocol on the involvement of Children in armed Conflicts (2000), Optional Protocol on the sale of Children, Child Prostitution and Child Pornography (2000), UN Convention Against Transnational Organized Crime (2000), and supplementing trafficking Protocol to prevent, suppress and punish Trafficking in Persons, especially Women and Children (2000), African Charter on Human and People's Rights (1981) and its Protocol relating to the Rights of Women (2002).

Question: That the words "International Laws on Children" defined in the Interpretation to this Act, put and agreed to.

"Minister" means the appropriate supervisory Minister for the Agency.

Question: That the word "Minister" defined in the Interpretation to this Act, put and agreed to.

"Ministry" means the appropriate supervisory Ministry for the Agency.

Question: That the word "Ministry" defined in the Interpretation to this Act, put and agreed to.

"President" means the President of the Federal Republic of Nigeria.

Question: That the word " President" defined in the Interpretation to this Act, put and agreed to.

"Vulnerable Children" means Child who, because of circumstances of birth or immediate environment, is prone to abuse or deprivation of basic needs, care and protection, and thus disadvantaged relative to his or her peers, Categories of vulnerable children include: children who have lost one or both parents, children living with terminally or chronically ill parent(s) or caregiver(s), children on or off the street/child hawkers, children living with aged or frail grandparent(s), children who get married before 18 years, neglected and abandoned children, children in child-headed homes, children infected with HIV, child beggars/destitute children (including exploited almajiris), internally displaced or separated children, child domestic servants, child sex worker, children with special challenges or disability, child victims of trafficking, children in conflict with the law, children of migrant workers e.g. fishermen or women, nomads and children living with teenage parent(s).

Question: That the words " Vulnerable Children" defined in the Interpretation to this Act, put and agreed to.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 22: Citation.

This Bill may be cited as the National Child Protection and Enforcement Agency Bill, 2017.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senate Leader*) — *Agreed to.*

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

SCHEDULE 1
Miscellaneous

The fixing of the seal of the Agency shall be authorized by the signature of the Chairman or any person specifically authorized to act for that purpose by the Council.

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

SCHEDULE 2

Section 6 (a)

In the exercise of its powers of enforcement provided for under section 6 (a), the agency may refer matters to the Family Court and such other courts established under other relevant laws.

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

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered a Bill for an act to Establish the National Child Protection and Enforcement Agency; and for Other Related Matters, 2017 and approved as follows:

Clauses 1- 22 — As Recommended

Schedules 1&2 — As Recommended

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

Motion made: That the Bill be now Read the Third Time (*Senate Leader*).

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

16. National Intelligence Agency Pensions Board (Establishment, etc.) Bill, 2017 (HB. 842):

Motion made: That a Bill for an Act to Establish the National Intelligence Agency Pensions Board to Handle Pension Matters for Personnel of the Agency and for Other Connected Purposes, 2017 be read the Second Time (*Senate Leader*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee of the Whole.

Motion made: Pursuant to Rule 81, that the Senate do resolve into the Committee of the Whole to consider a Bill for an Act to Establish the National Intelligence Agency Pensions Board to Handle Pension Matters for Personnel of the Agency and for Other Connected Purposes, 2017 (*Concurrence*) (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO ESTABLISH THE NATIONAL INTELLIGENCE AGENCY PENSIONS BOARD TO HANDLE PENSION MATTERS FOR PERSONNEL OF THE AGENCY AND FOR OTHER CONNECTED PURPOSES, 2017.

PART I — GENERAL

Clause 1: Establishment of a Pensions Board for Personnel of the National Intelligence Agency.

- (1) There is established a Pensions Board (in this Bill referred to as "the Board") which is charged with the responsibility for payment of pensions and gratuities to all personnel of the Agency.

Application of the Bill to personnel who retired before the commencement of this Bill.

- (2) This Bill shall apply to all personnel of the Agency including those who had retired before the commencement of this Bill.
- (3) The retirement benefits of personnel referred to in subsection (2) above shall be adjusted to be commensurate with the provisions of this Bill.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 2: Computation of Pension or Gratuity.

- (1) Subject to the provisions of this Bill, any pension or gratuity payable to any personnel under this Bill shall be computed in accordance with the provisions of the Agency Regulations.
- (2) In computing pensionable service and qualifying service for the purpose of this Bill, any period of service over six months and not included in a completed year shall, for the purpose of the schedule to this Bill as it relates to personnel entitled to a pension, count as one year.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 3: Pension, etc. to be charged on revenue of Nigeria.

There shall be charged on and paid out of the Consolidated Revenue Fund of the Federation, all such sums of money as may, from time to time, be granted by the Federal Government by way of pension and gratuity in accordance with this Bill.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 4: Circumstances in which Pension may be granted.

- (1) No pension or gratuity shall be granted under this Bill to any personnel except on his retirement from the Agency in any of the following circumstances -
 - (a) after serving for thirty-five (35) years or attained the age of sixty (60) years, whichever is earlier;
 - (b) on voluntary retirement after serving for not less than ten years;
 - (c) on compulsory retirement under the provisions of section 5 (1) of this Bill;
 - (d) on compulsory retirement for the purpose of facilitating improvements in the Agency, so that greater efficiency or economy may be effected;
 - (e) at any time on medical evidence to the satisfaction of the Medical Board that he is incapable by reason of any infirmity of mind or body of discharging his duties and that such infirmity is likely to be permanent;
 - (f) on voluntary withdrawal after having put in not less than five years but less than ten years continuous service as a personnel: provided that —

- (i) in respect of paragraphs (c) to (e) above, if the personnel has served for less than five years but less than ten years before his retirement, he shall be entitled only to a gratuity as specified in the appropriate column of the Table in the Agency Regulations;
 - (ii) if the personnel has served for a minimum of three years but less than five years before he is required to retire, he shall be entitled to an *ex-gratia* gratuity calculated on *pro-rata* basis at the rate of ten percent for every completed year of service.
- (2) Where a personnel retires pursuant to subsection (f) (i) above —
 - (a) if he has completed five years but not up to ten years in service, he shall be entitled only to a gratuity;
 - (b) if he has served for not less than ten years, he shall be entitled to a pension;
 - (c) if he is required to retire after ten years qualifying service pursuant to the provisions of paragraphs (c) - (e) of subsection (1) above, he shall be entitled to pensions immediately on retirement even though he has not attained the age of forty five years.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 5: Compulsory retirement and retirement on compassionate grounds.

- (1) It shall be lawful for the Board to require a personnel to retire from the Agency at any time after he has attained the age of forty five years subject to three months notice in writing of such requirement being given to the personnel.
- (2) A personnel may, on compassionate grounds, be allowed to resign, withdraw or retire from service, as the case may be, in accordance with the Agency Regulations.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 6: Minimum and maximum pension.

- (1) A pension granted to a personnel or other rank under this Bill shall not be less than forty percent of his total emolument.
- (2) For the purpose of this section, an additional pension granted in respect of injury shall not be taken into account; but where the personnel is granted such an additional pension under this Bill, the amount so granted together with the remainder of his pension under this Bill shall not exceed one hundred percent of his highest pensionable emolument at any time in the course of his service.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senate Leader*) — *Agreed to*.

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

Clause 7: Pension and gratuity to be paid to dependant, etc. where a pensioner dies in service.

- (1) Where a personnel dies in the course of official duty, there shall be paid to his next of kin a gratuity to which the personnel would have been entitled at the date of his death.
- (2) Where a personnel dies before completing the minimum period of qualifying service, his next of kin shall be paid a death gratuity of one year's salary only.
- (3) Any pension payable under subsection (1) above shall be paid to any person entitled thereto for a period expiring at the end of five years after the death of the personnel, however, a lump sum representing five years pensions may be paid immediately to the person entitled to it.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senate Leader*) — *Agreed to*.

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

Clause 8: Pension to run for five years after death within five years of retirement.

Where a personnel dies within five years after retirement, his next of kin shall continue to be paid, for a period which shall expire at the end of five years from the date of his retirement, the same pension which the deceased personnel was receiving prior of his death. But if the next of kin or designated survivor so elects, the balance of his pension at his death may be paid immediately to the said next of kin or designated survivor.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senate Leader*) — *Agreed to*.

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

Clause 9: Notice of intention to retire or withdraw from service.

- (1) A personnel who wishes to retire from the Agency after serving for ten years or more shall give three (3) months' notice or pay the Agency the equivalent of three (3) months' salary in lieu of notice.
- (2) A personnel who wishes to withdraw from the Agency after serving for not less than five years but up to ten years shall give the Director-General one month's notice of his intention to withdraw from the Agency or he shall pay one month's salary in lieu of such notice.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senate Leader*) — *Agreed to*.

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

PART II — MISCELLANEOUS

Clause 10: Pension and gratuity not to be assignable.

A pension or gratuity granted under this Bill shall not be assignable or transferable or liable to be attached, sequestrated or levied upon for or in respect of any debt or claim whatsoever except for the purpose of satisfying —

- (a) a debt due to the Federal Government; or
- (b) an order of a Court for the payment of periodical sums of money towards the maintenance of the wife or former wife or minor child of the personnel to whom the pension or gratuity has been granted.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 11: Payment of public claims out of pension and gratuity.

Where the Board is satisfied that —

- (a) a sum is due to the Federal Government from a person to whom a pension or gratuity is due under this Bill;
- (b) an overpayment on account of any such pension or gratuity has been made to any such person by the Federal Government, the Board may authorize the deduction from the pension or gratuity, in respect of that sum or overpayment of such amounts at such times as it may think fit; and the amounts so deducted shall be applied in or towards paying or repaying that sum or overpayment.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 12: Delegation of power.

- (1) The Board may, by order published in the Gazette, delegate to another person or authority all or any of its powers under this Bill.
- (2) But the delegation of a power under the above subsection shall not prevent the Board from continuing to exercise the power if it thinks fit.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 13: Regulations.

- (1) The Management of the Agency may make provisions for the structure, personnel, etc of the Board which in turn may make provisions for carrying into effect the provisions of this Bill.

- (2) Whenever the Board is satisfied that it is equitable that any regulation made under this section should have retrospective effect in order to confer a benefit upon or remove a disability attached to any person, that regulation may be given retrospective effect for that purpose.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 14: Interpretations.

In this Bill, unless the context otherwise requires —

"basic pay" means the daily rate of pay due and payable to a personnel, but does not include allowances

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

"Director-General" means the Director-General of the National Intelligence Agency (NIA).

Question that the meaning of the words "Director-General" be as defined in the interpretation to this Bill — Agreed to.

"Federal Government" means the Federal Government of Nigeria.

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

"Gazette" means the official gazette of the Agency.

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

"last pay" in relation to a personnel whose appointment has been terminated, means the amount payable to him for a month (or if he was on a daily rate of pay, for thirty one days) multiplied by twelve in respect of the last substantive rank held by him immediately before the end of his employment.

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

"lodging" means the provision of furnished accommodation, fuel and light and personal service.

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

"medical board" means any medical board appointed by the Management of the Agency or by any other person pursuant to a delegation under section 12 of this Bill, to assess the degree of disablement of personnel.

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

"next of kin" means any person documented by the staff who can legitimately claim entitlements of the staff in the event of death on behalf of the beneficiaries.

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

"officer" means a personnel on the rank of Intelligence Officer (SIO II) and above.

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

"pensionable emoluments" in respect of a personnel, means the salary attached to the last substantive rank held by the personnel but does not include any allowance whatsoever.

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

"pensionable service" means service in the National Intelligence Agency (including service or employment under the Government of the Federation or of a State or any other employment approved by the Agency and which has been transferred to the Agency) which may be taken into account in determining whether an officer is eligible by length of service, for a pension or gratuity.

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

"personnel" means officers and staff in the employment of the Agency.

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

"qualifying service" means service in the National Intelligence Agency (including service or employment in the public service or any other employment which may be approved by the National Intelligence Agency) which may be taken into account in determining whether an officer is eligible by length of service for a pension or gratuity.

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

"retirement" means cessation of service after an officer has served for a period of not less than five years or thereafter for a period of not less than ten years, being periods respectively appointed as qualifying an officer for gratuity and pension.

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

"staff" means a personnel below the rank of Intelligence Officer II (IO II) in the Agency.

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

"termination" in relation to a personnel's employment, means termination of full pay service by retirement, discharge or otherwise however.

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

"the Board" means the body charged by the Management of the Agency with the responsibility for the administration of the pensions and gratuities of the personnel of the Agency.

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

"the Agency" means the National Intelligence Agency (NIA).

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

"the Agency Regulation" means the NIA Regulation of 1999, including amendments, pursuant to Instruments No. NIA 1 of 23rd May, 1999.

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

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 15: Citation.

This Bill may be cited as the National Intelligence Agency Pensions Bill, 2017.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senate Leader*) — *Agreed to.*

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

SCHEDULE

Section 2 (1)

**COMPUTATION OF PENSION AND GRATUITIES TO PERSONNEL TO
WHOM AND WHAT RATES PENSION MAY BE GRANTED**

1. Subject to the provisions of this Bill, a personnel shall be granted, on retirement, a pension—
 - (a) if he has been in the service for ten years or more; or
 - (b) if he has completed ten years' qualifying service; or
 - (c) if he has completed five years qualifying service if this retirement is on the ground that he is incapable by reason of any infirmity of mind or body of discharging his duties and such infirmity is likely to be permanent.

General Rules as to Qualifying Service

2. (1) Subject to the provisions of this Bill, qualifying service shall be inclusive of the period between the date on which a personnel was enlisted into the Agency and the date of his leaving such Agency without deduction of any period during which he had been absent on leave.
- (2) No period which is not qualifying service by virtue of the foregoing paragraphs shall be taken into account as pensionable service.

Continuity of Service.

3. (1) Except as otherwise provided in this Schedule, only continuous service shall be taken into account as qualifying service or as pensionable service.
- (2) A personnel who retires from the Agency and who is re-engaged in the Agency within a period of five years from the date of his retirement, may be granted the pension or gratuity for which he would have been eligible if any break in his service immediately prior to such re-engagement had not occurred, such pension or gratuity to be in lieu of any pension or gratuity granted to him from the Consolidated Revenue Fund of the Federation or of a State or any other approved employment which is required to be refunded as a condition of the application to the personnel.

However, in calculating a pension or gratuity granted in accordance with the provisions of this paragraph, account shall not be taken for any purpose of the period during which the officer was not in the Agency.

4. Formula for calculation of pension and gratuity based on the percentage of last pay shall be in accordance with the Table in the Agency Regulations.

Question that the provisions of the Schedule stand part of the Bill — Agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered a Bill for an Act to Establish the National Intelligence Agency Pensions Board to Handle Pension Matters for Personnel of the Agency and for Other Connected Purposes, 2017 and approved as follows:

Clauses 1- 15 — As Recommended

Schedule — As Recommended

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

Motion made: That the Bill be now Read the Third Time (*Senate Leader*).

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

17. Nigerian Automotive Industry Development Plan (Fiscal Incentives Assurances and Guarantees) Bill, 2017 (HB. 896) - Concurrence:

Motion made: That a Bill for an act to Establish the Nigerian Automotive Industry Development Plan (Fiscal Incentives Assurances and Guarantees) Bill, 2017 be read the Second Time (*Senate Leader*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committees on Industries; and Trade and Investments for further Legislative Action.

18. Nigerian Academy of Science (Establishment, etc.) Bill, 2017 (HB. 917) - Concurrence

Motion made: That a Bill for an Act to Establish the Nigerian Academy of Science to Promote the Growth, Acquisition and Dissemination of Scientific Knowledge and to Facilitate the Use of Science in the Solution to Problems of National Interest and for Related Matters, 2017 be read the Second Time (*Senate Leader*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee of the Whole.

Motion made: Pursuant to Rule 81, that the Senate do resolve into the Committee of the Whole to consider a Bill for an Act to Establish the Nigerian Academy of Science to Promote the Growth, Acquisition and Dissemination of Scientific Knowledge and to Facilitate the Use of Science in the Solution to Problems of National Interest and for Related Matters, 2017 (*Concurrence*) (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO ESTABLISH THE NIGERIAN ACADEMY OF SCIENCE TO PROMOTE THE GROWTH, ACQUISITION AND DISSEMINATION OF SCIENTIFIC KNOWLEDGE AND TO FACILITATE THE USE OF SCIENCE IN THE SOLUTION TO PROBLEMS OF NATIONAL INTEREST AND FOR RELATED MATTERS, 2017 (HB. 917)

Establishment of the Nigerian Academy of Science.

Clause 1: Establishment of the Academy.

- (1) There is established a body to be known as the Nigerian Academy of Science (in this Bill referred to as "the Academy").
- (2) The Academy shall be a body corporate with perpetual succession and may sue or be sued in corporate name.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 2: Objects of the Academy.

The objects of the Academy shall be to:

- (a) provide advice on issues of scientific and technological nature presented to it by the government and its agencies, as well as by private organizations:

- (b) bring to the attention of government and its agencies, problems of national interest that science and technology can help to solve;
- (c) establish and maintain the highest standards of scientific endeavour and achievement in Nigeria;
- (d) develop a good working relationship with other national and international scientific bodies and academies.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 3: Relationship with Government.

- (1) The Academy is the only Academy of Science recognized by Government.
- (2) The Minister may advise the Academy to perform acts on behalf of Government which are in accordance with its objectives.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 4: Membership of the Academy.

- (1) There shall be two categories of members of the Academy, that is Nigerian members and Foreign members, and membership shall be in the categories of:
 - (a) Fellows for Nigerian members; and
 - (b) Foreign Fellows for non-Nigerian members;
- (2) A Member of the Academy is a person who can be expected by the Academy to significantly assist the Academy in achieving its objectives.
- (3) The criterion for election to membership is significant achievement in the pursuit, advancement or application of science as members.
- (4) New candidates for membership of the Academy are proposed and recommended at least once a year by means of a prescribed certificate signed by not less than four members, at least two of whom have personal knowledge and understanding of the scientific work and significant contribution to science of the candidate.
- (5) The certificate must contain a draft citation explaining why the election of the candidate to membership of the Academy would further the objectives of the Academy.
- (6) The certificate must be accompanied by a prescribe statement from the candidate indicating the candidate's willingness to be considered for election to membership of the Academy, together with a curriculum vitae.

- (7) The council of the academy must annually evaluate, in terms of the prescribed criteria for membership, all new candidates and candidates brought forward from the previous year.
- (8) All existing members of the Academy will then be required, in a secret ballot to cast votes that are either for or against every candidate shortlisted by the council, or that indicate a neutral position.
- (9) Members of the Academy who do not vote are regarded as having recorded neutral votes.
- (10) A candidate is considered elected to membership of the Academy if at least half of the votes cast (by Fellows at an annual general meeting) are in his favour.
- (11) Every person who is elected a member of the Academy must attend an annual general meeting of the Academy to sign the register of members and to subscribe to the oath of obligation contained in the schedule to this Bill.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 5: Establishment of Organs of the Academy.

The Academy shall consist of:

- (a) "The General Assembly", comprising all Fellows, shall be the highest authority of the Academy,
- (b) "The Council", which shall be the governing body of the Academy, shall have the responsibility for the administration and general management of the Academy, and must ensure that the objectives of the Academy are actively pursued.
- (c) "The Secretariat", to be maintained by the Academy and headed by an Executive Secretary.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 6: Composition of the Council.

(1) The Council shall consist of:

(i) Nine officers, that is:

- (a) the President of the Academy who is the Chairman;
- (b) the Vice-President;
- (c) the Immediate Past President
- (d) the President-elect
- (e) the Treasurer

- (f) two Academic Secretaries (for the Biological and Physical Sciences)
- (g) the Foreign Secretary
- (h) the Public Affairs Secretary and Chairman Publications Committee;
- (ii) four Fellows representing the Biological Sciences and Four Fellows representing the Physical Sciences;
- (iii) the representative of the Honourable Minister.
- (iv) the Executive Secretary shall be the Secretary to the Council.
- (2) The members of the Council, except the member contemplated in subsection (1) (iii), who has observer status, are elected by members of the Academy from their number.
- (3) The provisions of the First Schedule to this Bill shall have effect with respect to the supplementary provisions of the Council and the qualifications and tenure of office of members of the Council, and the other matters therein mentioned.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 7: Termination of Membership of the Academy.

- (1) A Fellow shall cease to be a member of the Academy:
 - (a) in the event of the following:
 - (i) if he resigns by notice in writing to the President;
 - (ii) if he is in default for two consecutive years in the payment of the subscription and the Council resolves that he shall cease to be a Fellow; provided that, on payment of all arrears of subscriptions, a Fellow may be reinstated as a Fellow by a resolution of the Council such person shall be deemed to be in default in the payment of subscription for one year if on the first day of April of any year, the Treasurer has not received his subscription for that year.
 - (b) if a resolution is passed by ballot of the members of the Council to the effect that, in their opinion, a Fellow:
 - (i) has been found guilty in a court of law or through such other judicial process as the laws of Nigeria may prescribe of (1) treason (2) all such other felonies, as may be construed by Council;
 - (ii) has committed an act of misconduct that may likely bring the Academy into disrepute or is detrimental to the good name of Academy.

- (2) Before the provisions in subsections (1) (b) (i) or (1) (b) (ii) are invoked, the following provisions shall apply:
- (i) the resolution must be submitted to a ballot, the Fellow shall be informed of the conduct complained of and given a reasonable opportunity to defend himself in person or by a representative of his choice;
 - (ii) the Fellows of the Academy who participate in the investigation of such acts of misconduct shall not be present in Council when a ballot is taken in arriving at such a resolution;
 - (iii) such a resolution of Council must be carried by no less than sixty seven percent of the membership of Council, upon which the person is suspended from the Academy until ratification or otherwise by a simple majority of the General Assembly.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 8: Committees of the Council.

- (a) (1) The council may establish one or more committees which may exercise such powers or perform such functions of the Academy as the council may determine from time to time.
- (2) A committee referred to in subsection (1) consists of such number of members and employees of the Academy, if any, as the council may deem necessary, and the council may at any time dissolve or reconstitute a committee
- (3) The council shall appoint among members of the committee a chairman.
- (4) The council is not absolved from the performance of any function entrusted to any Committee of the council in terms of this section
- (b) Specifically, there shall be the following Standing Committees of Council:
- (1) Executive Committee: made up of officers of the Academy, viz: President, Vice-President, President-Elect, Treasurer, the Academic Secretaries, Foreign Secretary, Public Affairs Secretary and Chairman Publications Committee. The Executive Committee will assist the President in the execution of all decisions of the Council, and act expeditiously on any matter of interest to the Academy. The Executive Secretary shall be the Secretary to the Committee.
 - (2) Sectional Committees:
 - (a) Council shall appoint sectional committees to represent the principal branches of academic research. Council shall, from time to time, with respect to each sectional committee:

- (i) fix the number of fellows of which it is to consist;
 - (ii) prescribe its title and function;
 - (iii) propose a Fellow for election as the chair (an Academic Secretary may be a member or chairman of a relevant Sectional Committee); and
 - (iv) give direction for its guidance.
- (b) In exercising its powers of appointing sectional committees, Council should ensure that the whole field of the Sciences is adequately covered by Sectional Committees consisting of Fellows who are competent to assess the qualifications of candidates.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 9: Accounting Officer.

- (1) In addition to the other functions entrusted to the President under this Bill, he shall be the accounting officer charge with responsibility of accounting for and the utilization thereof and be responsible for the assets of the Academy.
- (2) (a) The President may:
 - (1) delegate to another member of the council a power conferred upon the accounting officer under this Bill.
 - (2) authorize such person to perform a duty assigned under this Bill to the accounting officer:
- (b) A delegation under subsection (2) (a) does not prevent the exercise of the powers in question or the performance of the duties in question by the accounting officer.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 10: Staff and conditions of service of employees.

- (1) The council may on such conditions as it may determine, appoint such numbers of employees as it deems necessary to enable the Academy to perform its functions.
- (2) The council must out of its own fund pay to its employees such remunerations, allowances, subsidies and other benefits as the council may determine.

- (3) The council may, on such condition as it may deem fit and if the employee consents thereto, second an employee's either for a particular task or for a period of time to the service of a department, ministry, or any organization on such condition that such employees' right, privileges and benefits by virtue of his conditions of service as an employee of the Academy are not adversely affected by such secondment.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 11: Establishment of fund and expenditure.

- (1) The Council shall establish and maintain a fund for the Academy, into which shall be paid:
- (a) all monies received by the Council in pursuance of this Bill, including regular subventions and grants from government
 - (b) all subscriptions, fees and other charges payable to the Academy by members, individuals and bodies corporate;
 - (c) all monies raised for the purposes of the Academy by way of gifts, donations, grants-in-aid, testamentary dispositions from individuals, bodies corporate or philanthropic organisations, non-governmental organisations within and outside Nigeria, or otherwise howsoever;
- (2) The Council shall, from time to time, apply the proceeds of the fund of the Academy to:
- (a) all expenditure incurred by the Academy in the discharge of its functions under this Bill;
 - (b) the remunerations and allowances of staff of the Academy;
 - (c) the maintenance of the premises and property owned and vested in the Academy;
 - (d) the payment of traveling allowances and such stipend for members of the Council as may be determined by the Council; and
 - (e) the payment of such other charges as may be reasonably incurred in the exercise of the functions of the Academy and the Council.
- (3) For the purposes of the Companies Income Tax, any donation made by any company in Nigeria to the Academy shall be a deductible donation within the meaning of that Act.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 12: Borrowing and investment power.

- (1) The Council may, with the consent of its members and in accordance with the general guidelines or authority given by the Government of the Federation, borrow, on behalf of the Academy, by way of loan or overdraft from any source, any monies required by the Council to meet the obligations of the Academy in order to perform its functions under this Bill, so however that such consent or authority shall be required where the sum or aggregate of the sums involved at any time does not exceed such amount as is for the time being projected in relation to the Academy in any particular year.
- (2) The Council may, subject to the provisions of this Bill and conditions of trust in respect of funds held or any property owned by the Institute, invest any but not all of its funds with the same consent or general authority.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 13: Annual estimates, account and audit.

- (1) The Chairman of the Council shall cause to be prepared not later than six months before the end of the year, estimates of recurrent and capital expenditure (if any) and income of the Academy during the next succeeding financial year which shall be presented to the annual general meeting of the Academy by the Council for approval.
- (2) The Council shall keep proper accounts and records in relation thereto, and shall prepare in respect of each financial year, a statement of account in such form as the Chairman or the Council shall direct.
- (3) The Council shall as soon as may be after the end of a financial year, cause the accounts of the Academy and those of the Council to be audited by qualified auditors appointed from the list of auditors and in accordance with the guidelines laid down by the Auditor-General for the Federation.
- (4) The auditors appointed pursuant to subsection (3) of this section shall, on completion of the audit of the accounts of the Academy and the Council for each financial year, prepare and submit to the Council two reports, that is to say:
 - (a) a general report setting out the observations and recommendations of the said auditors on the financial affairs of the Academy and the Council for that year, and on any important matters which the auditors may consider necessary to bring to the notice of the Council; and
 - (b) a detailed report containing the observations and recommendations of the auditors on all aspects of the operations of the Academy and the Council.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 14: Functions of the Academy.

- (1) In order to achieve its objectives the Academy may:
 - (a) at the request of any person or on its own initiative, investigate matters of public interest concerning science and on the strength of the findings act in opinion-forming and advisory manner;
 - (b) publish scientific reports and other publications;
 - (c) promote and inspire outstanding achievements in the different fields of sciences in Nigeria and recognition for excellence
 - (d) promote the general interest in science and science education;
 - (e) establish reciprocal arrangements and enter into agreement with organizations with similar objectives, locally and in other countries to promote the exchange of information and ideas;
 - (f) protect the interests of members through the provision of professional consultative advice and the issue of journals and other publications, organization and conduct of seminars, workshops, conferences, etc.;
 - (g) offer advice and assistance to the scientific academic community and to various scientific societies in Nigeria;
 - (h) establish a fellowship programme which would create opportunities for outstanding new PhDs in the sciences to conduct postdoctoral research at various institutions before they take up regular job as lecturers;
 - (i) seek an active role in the selection of candidates for government postgraduate scholarships and fellowships in the Science and in the identification of candidates for the award of honours and distinctions by government and private sector organizations.
 - (j) offer to assist the government, the universities, and other similar institutions, in the operation of exchange programmes with other countries for students, scholars and teachers for the purpose of study and research;
 - (k) maintain a library and take interest in the documentation of scientific literature.
 - (l) award medals and honours for outstanding contributions in the various branches of Science;
 - (m) Establish exchange agreements with other national academies to enable fellows and Nigerian Scientists visit such other nations for scientific purposes;
 - (n) do such other things that are incidental and supplementary to the foregoing objects of the Institute;

- (2) The Academy must:
 - (a) advise the Minister on matters concerning science;
 - (b) undertake or cause to be undertaken such investigations and research concerning its objectives as the Minister may assign to it;
 - (c) perform such duties in respect of its objectives as the Council may assign to it; and
 - (d) from time to time review its structure, organisation and programmes.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 15: Performance of functions outside Nigeria.

- (1) The Academy may, in order to achieve its objectives, render support relevant thereto of any Nigeria citizen in any territory outside the country.
- (2) This Bill must, as far as it can be applied with the necessary changes, apply in connection with the performance by the Academy of its functions.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 16: Regulations.

The Council may make regulations regarding:

- (a) any matter required to be prescribed in terms of this Bill;
- (b) the code of conduct for members of the Academy; and
- (c) any matter which it is necessary or expedient to prescribe in, order to implement and administer this Bill.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 17: Transfer to the Academy of certain property, etc.

- (1) On the commencement of this Bill:
 - (a) all property held immediately before that day by or on behalf of the former Academy shall, by virtue of this subsection and without further assurance vest in the Academy and be held by it for the purposes of the Academy;
 - (b) the former Academy shall cease to exist; and
 - (c) subject to the next succeeding subsection, any act, matter or thing made or done by the former society shall continue to have effect.

- (2) The provisions of the Third Schedule to this Bill shall have effect with respect to matters arising from the transfer by this section to the Academy of the property of the former Academy, and with respect to other matters therein mentioned.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 18: Interpretation.

In this Bill, except the context otherwise implies, the following words and expressions have the meaning assigned to them, that is:

"Council" means the governing body of the Academy established under section 5 (1) of this Bill.

Question: That the word " Council" defined in the Interpretation to this Act, put and agreed to.

"Academy" means the Nigerian Academy of Science established pursuant to section 1 (1) of this Bill.

Question: That the word " Academy" defined in the Interpretation to this Act, put and agreed to.

"Member" means a member of the Academy.

Question: That the word " Member" defined in the Interpretation to this Act, put and agreed to.

"Minister" means the Minister charged with responsibility for matters relating to Science and Technology.

Question: That the word " Minister" defined in the Interpretation to this Act, put and agreed to.

"President" and "Vice-President" means president and vice president, elected and appointed in terms of section 6.

Question: That the words " President and" Vice-President" defined in the Interpretation to this Act, put and agreed to.

"Executive Secretary" means the Executive Secretary of the Nigerian Academy of Science appointed in terms of section 5 of this Bill.

Question: That the words " Executive Secretary" defined in the Interpretation to this Act, put and agreed to.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 19: Citation.

This Bill may be cited as the Nigerian Academy of Science (Establishment, etc.) Bill, 2017.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senate Leader*) — *Agreed to.*

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

SCHEDULES**FIRST SCHEDULE***Section 4 (II)***SUPPLEMENTARY PROVISIONS RELATING TO THE ACADEMY*****Oath of Obligation***

1. (1) I (full name) hereby solemnly promise to promote, declare and disseminate scientific knowledge, promote the well-being of Nigeria through scientific thought, and generally to further the objectives of the Nigerian Academy of Science as far as lies within my power, and
- (2) I shall also serve the Nigerian Academy of Science by observing the prescribed constitution and prescribed standing orders of the Academy for as long as I remain a member thereof.

Proceedings of the Council

2. (1) Subject to the provisions of this Bill, the Council may in the name of the Academy make standing orders regulating the proceedings of the Academy or of the Council, and in the exercise of its powers under this Bill, may set up committees in the general interest of the Academy, and make standing orders thereof.
- (2) Standing orders shall provide for decision to be taken by a majority of the members, and, in the event of equality of votes, for the President or the Chairman, as the case may be, to have a second or casting vote.
- (3) Standing orders made for a committee shall provide that the committee report back to the Council on any matter not within its competence to decide upon.
- (4) The quorum of the Council, or committee of the Council shall be as may be fixed by the Council, subject to the Constitution of the Academy.

Meetings of the Academy

3. (1) The Council shall convene the annual general meeting of the Academy on a day as the Council may from time to time appoint in any particular year, which shall also be the annual anniversary meeting, so however that if the meeting is not held within one year after the previous annual general meeting, not more than fifteen months shall elapse between the respective dates of the two meetings.

- (2) A special meeting of the Academy may be convened by the Council at any time, and if not less than thirty members of the Academy require it by notice in writing addressed to Executive Secretary of the Academy setting out the objects of the proposed meeting, the Chairman of the Council shall convene a special meeting of the Academy
4. (1) Subject to the provisions of any standing orders of the Council, the Council shall meet whenever it is summoned by the Chairman, and if the Chairman is required to do so by notice in writing given to him by not less than seven other members, he shall summon a meeting of the Council to be held within seven days from the date on which the notice is given.
- (2) At any meeting of the Council, the Chairman or in his absence the Vice- Chairman shall preside; but if both are absent, the members present at the meeting shall appoint one of their numbers to preside at that meeting.
- (3) Where the Council desires to obtain advice of any person on a particular matter, the Council may co-opt him as a member for such period as the Council thinks fit, but a person who is a member by virtue of the provisions of this subparagraph shall not be entitled to vote at any meeting of the Council and shall not count towards a quorum.
- (4) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the Council shall be summoned by the Minister, who may give such directions as he thinks fit as to the procedure which shall be followed at the meeting.

Miscellaneous

5. (1) The fixing of the seal of the Academy shall be authenticated by the signature of the President or of some other member of the Council authorized generally by the Academy 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 Academy or the Council as the case may require, by any person generally or specifically authorised to act for that purpose by the Council.
- (3) Any document purporting to be a document duly executed under the seal of the Academy shall be received in evidence and shall unless the contrary is proved be deemed to be so executed.
6. The validity of any proceedings of the Academy or the Council or of a committee of the Council shall not be affected by any vacancy in membership, or by any defect in the appointment of a member of the Academy or of the Council or of a person to serve on the Committee, or by reason that a person not entitled to do so took part in the proceedings.
7. Any member of the Academy or of the Council, and any person holding office on a committee of the Council, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council or a committee thereof, shall forthwith disclose his interest to the President or to the Council, as the case may be, and shall not vote on any question relating to the contract or arrangement.
8. A person shall not by reason only of his membership of the Academy be required to disclose any interest relating solely to the audit of the accounts of the Academy.

Question that the provisions of the First Schedule stand part of the Bill — Agreed to.

SECOND SCHEDULE

(Section 16)

TRANSITIONAL PROVISIONS AS TO PROPERTY, ETC.

1. (1) Every agreement to which the former Academy was a party immediately before the appointment day, whether in writing or not and whether or not of such a nature that the rights, liabilities and obligations thereunder could be assigned by the former Academy shall, unless its terms or subject matter make it impossible that it should have effect as modified in the manner provided by this subparagraph, have effect from the appointed day, so far as it relates to property transferred by this Bill to the Academy, as if:
 - (a) the Academy had been a party to the agreement;
 - (b) for any reference (however worded and whether expressed or implied) to the former Academy they were substituted, as respect anything falling to be done or after the appointed day, a reference to the Academy; and
 - (c) for any reference (however worded and whether expressed or implied) to a member or members of the Council of the former Academy or an officer of the former Academy they were substituted, as respects anything falling to be done on or after the appointed day, a reference to members of the Council under this Bill or the officers of the former Academy who corresponds as nearly as may be to the member or officer in question of the former Academy.
- (2) Other documents which refer, whether specially or generally, to the former shall be construed in accordance with subparagraph (1) of this paragraph so far as applicable.
- (3) Without prejudice to the generality of the foregoing provisions of this Schedule, where, by the operation of any of them or any right, liability or obligation vests in the Academy, the Academy and all other persons shall, as from the appointed day, have the same rights, powers and remedies (and, in particular, the same rights as to the making or resisting" of legal proceedings or the making or resisting of applications to any authority) for ascertaining, perfecting or enforcing that right, liability or obligation as they would have had if it had at all times been a right, liability or obligation of the Academy.
- (4) Any legal proceedings or application to any authority pending on the appointed day by or against the former Academy and relating to property transferred by this Bill to the Academy may, be continued on or after that day by or against the Academy.
- (5) If the law in force at the place where any property transferred by this Bill is situated (whether by reference to an instrument of transfer or otherwise), the law shall, so far as it provides for alterations of a Register (but not for avoidance of transfer, the payment of fees or any other matter) apply with the necessary modifications to the transfer of the property aforesaid, and it shall be the duty of the Council to furnish the necessary particulars of the transfer to the proper officer of the registration authority, and of that officer to register the transfer accordingly.

Transfer of Functions, etc.

2. (1) At its first meeting, the Council of the Academy shall fix a date (not later than six months after the appointed day) for the annual general meeting of the Academy.

- (2) The members of the Council of the former Academy shall be deemed to be the members of the Council of the Academy until the date determined in pursuance of the foregoing subparagraph when the Academy shall have its first annual general meeting, and they shall cease to hold office at the conclusion of such meeting.
- (3) Any person who, immediately before the appointed day, held office as the President or Vice-President of the Council of the former Academy shall on that day become the President or, as the case may be, the Vice-President of the Academy, and shall be deemed:
 - (a) to have been appointed to that office in pursuance of the provision of this Bill; and
 - (b) to have been so appointed on the date on which he took office, or last took office;
- (4) The members of the former Academy shall, as from the appointed day, be registered as members of the Academy, and without prejudice to the generality of the provisions of this schedule relating to the transfer of property, any person who, immediately before the appointed day, was a member of the staff of the former Academy shall on that day become the holder of an appointment with the Academy;
- (5) Any person being an office-holder on, or member of, the Council of the former Academy immediately before the appointed date and deemed under this paragraph to have been appointed to any like position in the Academy, or on the Council of the Academy, and thereafter ceasing to hold office otherwise by reason of his misconduct, shall be eligible for appointment to office in the Academy or to membership of the Council, as the case may be.
- (6) All regulations, rules and similar instruments made for the purposes of the former Academy and in force immediately before the appointed day shall, except in so far as they are subsequently revoked or amended by any authority having power in that regard, have effect with any necessary modifications, as if duly made for the corresponding purposes of the Academy.

Question that the provisions of the Second Schedule stand part of the Bill — Agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered a Bill for an Act to Establish the Nigerian Academy of Science to Promote the Growth, Acquisition and Dissemination of Scientific Knowledge and to Facilitate the Use of Science in the Solution to Problems of National Interest and for Related Matters, 2017 and approved as follows:

Clauses 1- 19 — As Recommended

Schedules 1&2 — As Recommended

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

Motion made: That the Bill be now Read the Third Time (*Senate Leader*).

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

19. National Postgraduate College of Medical Laboratory Science Bill, 2017 (HB. 405) - Concurrence:

Motion made: That a Bill for an Act to Establish the National Postgraduate College of Medical Laboratory Science and for Matters Connected Therewith, 2017 be read the Second Time (*Senate Leader*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee of the Whole.

Motion made: Pursuant to Rule 81, that the Senate do resolve into the Committee of the Whole to consider a Bill for an Act to Establish the National Postgraduate College of Medical Laboratory Science and for Matters Connected Therewith, 2017 (*Concurrence*) (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO ESTABLISH THE NATIONAL POSTGRADUATE COLLEGE OF MEDICAL LABORATORY SCIENCE AND FOR MATTERS CONNECTED THEREWITH, 2017 (HB. 405)

Clause 1: Establishment of a National Postgraduate College of Medical Laboratory Science.

- (1) There is hereby established a National Postgraduate College of Medical Laboratory Science (in this Bill referred to as "the College").
- (2) The College shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name.
- (3) The headquarters of the College shall be situated in the Federal Capital Territory of Nigeria or any other location deemed fit.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 2: Function of the College:

The College shall have responsibility for the conduct of professional postgraduate examination of candidates in the various specialised branches of medical laboratory science and make awards in relation thereto accordingly.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 3: Fellows of the College.

- (1) The College shall consist of all Fellows of the College and its affairs shall be managed by:
 - (a) a Governing Board, and
 - (b) a Senate;which shall each exercise such powers as are conferred on it by this Bill.
- (2) The supplementary provisions in the schedule to this Bill shall have effect with respect to the proceedings of the Governing Board and the Senate and the other matters therein mentioned.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 4: Governing Board of the College.

The Governing Board of the College shall consist of:

- (a) the President of the College who shall be the Chairman;
- (b) the Chairman and Registrar of the Medical Laboratory Science Council of Nigeria;
- (c) twelve representatives of the Senate;
- (d) the Federal Director of Medical Laboratory Service;
- (e) the Permanent Secretary, Federal Ministry of Health or his representative;
- (f) the Permanent Secretary, Federal Ministry of Finance or his representative;
- (g) the Permanent Secretary, Federal Ministry of Education or his representative;
- (h) the Permanent Secretary, Federal Ministry of Science and Technology or his representative;
- (i) two representatives of the Association of Medical Laboratory Scientists of Nigeria.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 5: Function of the Board:

The Governing Board shall be the governing body of the College and shall be charged with the general control and superintendence of the policy, finances and property of the College, including its public relations.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 6: The Senate.

The Senate shall consist of:

- (a) the President of the College who shall be Chairman;
- (b) the Chairman and Secretary of each Faculty board appointed in line with section 9 of this Bill; and
- (c) one representative elected by each Faculty.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 7: Duties of the Senate:

The Senate shall have responsibility for the running of the academic affairs of the College including:

- (a) the organisation and control of courses of study at the College and of the examinations held in connection with those courses;
- (b) the award of Fellowships, diplomas and such other qualifications as may be prescribed in connection with examinations held as aforesaid.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 8: Appointment, Tenure and Cessation of Office, etc.

- (1) Subject to paragraph 1 of the Schedule to this Bill, the President shall be appointed by the Governing Board and shall hold office as such for three years.
- (2) In the event of the death or incapacity of the President or if for any reason other than the effluxion of time the office of President is vacant, the Governing Board shall appoint another person as President for the residue of the term of the President.
- (3) Members of the Governing Board appointed under paragraph (b) of section 4 above and members of the Senate appointed under paragraph (b) and (c) of section 6 above shall hold office for three years.
- (4) Any of the members of the Governing Board or the Senate referred to in subsection (3) of this section may by notice to the Governing Board or, as the case may be, to the Senate resign his appointment, and where any such member ceases to hold office before his term of office would have expired by effluxion of time, the body by whom he was appointed or elected shall as soon as may be practicable appoint or, as the case may be, elect a person to fill the vacancy for the residue of term aforesaid.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 9: Faculties of the College.

- (1) Each Faculty shall comprise all Fellows in the appropriate specialty and the faculties in the College shall be as follows, that is to say:
 - (a) the Faculty of Clinical Chemistry;
 - (b) the Faculty of Medical Bacteriology and Mycology;
 - (c) the Faculty of Haematology and Blood Transfusion Science;
 - (d) the Faculty of Cellular Pathology/Histoscience;
 - (e) the Faculty of Medical Parasitology and Entomology;
 - (f) the Faculty Diagnostic Molecular Biology
 - (g) the Faculty of Immunology;
 - (h) the Faculty of Medical Virology;
 - (i) the Faculty of Cytogenetics;
 - (j) the Faculty of Forensic Science;
 - (k) the Faculty of Biomedical Technology/Instrumentation;
 - (l) the Faculty of General Medical Laboratory Practice;
 - (m) the Faculty of any other specialty as may be prescribed by the Governing Board of the College.
- (2) Each Faculty shall elect from among its members not less than 7 but not more than 15 persons to serve as its Faculty Board, two of such persons being elected Chairman and Secretary respectively of the Faculty Board. All members so elected shall hold office for a period of three years.
- (3) Subject to such standing orders that may be made by the Senate for that purpose, each Faculty Board may carry out its duties as it deems fit.
- (4) Each Faculty shall appoint a court of examiners and the court shall be charged with the conduct of examinations under this section. Thereafter the Faculty Board shall make its recommendations to the Senate.
- (5) Members of a Faculty Board shall not be entitled to any emolument other than expenses reasonably incurred in travelling on Board's business, but members of a court of examiners shall be entitled to such remuneration as the Governing Board of the College may authorise.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 10: Examination.

Where a candidate offers himself for examination under this Bill he/she shall satisfy the appropriate Faculty Board:

- (a) that he/she is a registered medical laboratory scientist with a current practising license; and

- (b) that he/she is in possession of and is therein named as the holder of a certificate from an institution recognised by the College showing that he/she has satisfactorily attended the prescribed course of training in the particular specialised branch and for prescribed period of the course.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senate Leader*) — *Agreed to*.

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

Clause 11: Award of Fellowship.

Where the College awards its Fellowship under this Bill the holder shall be entitled to status as a Fellow in the specialised branch of which the Fellowship is awarded.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senate Leader*) — *Agreed to*.

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

Clause 12: Honorary Fellowship.

- (1) The College may on the recommendation of the Senate award honorary Fellowship to persons of distinction in the community who need not be medical laboratory scientists, and without prejudice to subsection (2) below may on the like recommendation elect Fellows who need not have offered themselves for any post-graduate examination conducted by the College.
- (2) No person shall be eligible for election as a fellow unless he/she already possesses a degree or other qualification registered with the Medical Laboratory Science Council of Nigeria and satisfies such other conditions as may be prescribed by the College.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senate Leader*) — *Agreed to*.

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

Clause 13: Publication in the Gazette.

The College shall from time to time publish in the Federal Gazette and elsewhere as it may think fit:

- (a) particulars of the standards which are to be treated as sufficient for the purposes of examinations conducted by the College pursuant to this Bill.
- (b) the list of institutions recognised for purposes of section 10 of this Bill.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senate Leader*) — *Agreed to*.

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

Clause 14: Other Staff of the College.

- (1) The Governing Board may employ such staff of the College as it may consider necessary for the purpose of any of the functions conferred on anybody under this Bill.

- (2) The Governing Board shall from among the officers appointed to subsection (1) of this section select a person to act as its Registrar and as Secretary to the Senate.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 15: Interpretation.

- (1) In this Bill:
"the College" means the Postgraduate College of Medical Laboratory Science established by section 1 of this Bill.

Question: That the words "the College" defined in the Interpretation to this Act, put and agreed to.

"Faculty Board" means any Faculty Board established by or pursuant to section 9 of this Bill.

Question: That the words "Faculty Board" defined in the Interpretation to this Act, put and agreed to.

"the Governing Board" means the Governing of the College referred to in section 3 of this Bill.

Question: That the words "the Governing Board" defined in the Interpretation to this Act, put and agreed to.

"the Medical Laboratory Science Council" means the Medical Laboratory Science Council of Nigeria.

Question: That the words "the Medical Laboratory Science Council" defined in the Interpretation to this Act, put and agreed to.

"the President" means the President of the College.

Question: That the words "the President" defined in the Interpretation to this Act, put and agreed to.

"the Senate" means the Senate of the College referred to in section 3 of this Bill.

Question: That the words "the Senate" defined in the Interpretation to this Act, put and agreed to.

- (2) Unless the context otherwise requires, expressions used in this Bill have the same meaning as in the Bill.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 16: Citation.

This Bill may be cited as the National Postgraduate College of Medical Laboratory Science Bill, 2017.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senate Leader*) — *Agreed to.*

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

SCHEDULE*Section 3 (2)***SUPPLEMENTARY PROVISIONS RELATING TO THE GOVERNING BOARD, THE SENATE, ETC**

*Composition of the First Senate and Faculty Boards and
Election of the First President of the College*

1. (1) Notwithstanding anything to the contrary in this Bill, the persons who immediately before the commencement of this Bill were Fellows of the Medical Laboratory Council of Nigeria shall on the commencement of this Bill become members of the corresponding Faculty Boards for purposes of this Bill and shall be deemed to have been appointed pursuant to section 9 of this Bill.
- (2) Appointments of members of Faculty Boards shall be made in accordance with the provisions of section 9 of this Bill.
- (3) Each Faculty shall elect the first representative of the corresponding Faculty on the Senate as specified in section 6 (c) of this Bill.
- (4) The first meeting of the Senate shall be summoned by the President of the Council and shall be presided over by him. At this meeting the Senate shall elect the person to be recommended to the Governing Board for appointment as the first President of the College as well as the first twelve representatives of the Senate on the Governing Board as specified in section 4 (c) of this Bill.
- (5) The first meeting of the Governing Board shall be called by the President of the Council and shall be presided over by him until the President of the College is appointed in the manner prescribed in section 8 (1) of this Bill.

Proceedings of the Governing Board, Senate, etc.

2. (1) The Governing Board may make standing orders regulating its proceedings or of any committee of the Board.
- (2) The Senate may make standing orders regulating its proceedings or of any Faculty Board or of any committee of the Senate.
3. The quorum:
 - (a) of the Governing Board shall be 7;
 - (b) of the Senate shall be 14;
 - (c) of any Faculty Board shall be determined by the Senate.

4. At any meeting of the Governing Board or the Senate, the President shall preside and if the President is absent the members present shall elect one of their numbers to preside at that meeting.

Committees of the Governing Board and Senate

5. (1) The Governing Board may appoint one or more committees to carry out on behalf of the Board such of its functions as the Board may determine but a decision of a committee shall be of no effect until it is confirmed by the Board.
- (2) The Senate may appoint one or more committees to carry out on behalf of the Senate such of its functions as the Senate may determine but a decision of a committee shall be of no effect until it is confirmed by the Senate.

Miscellaneous

6. (1) The fixing of the seal of the College shall be authenticated by the signature of the President or of some other member authorised generally or specially by the Governing Board 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 College by any person generally or special authorised to act for that purpose by the Governing Board.
- (3) Any document purporting to be a document duly executed under the seal of the College shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.
7. The validity of any proceedings of the Governing Board, the Senate or and Faculty Board or of a committee of the Governing Board or the Senate shall not be affected by any vacancy in the membership of the body concerned or by any defect in the appointment of any member or by reason that a person not entitled to do so took part in the proceedings.
8. Any member of the Governing Board, and any person holding office on a committee of the Board, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Board or a committee thereof shall forthwith disclose his interest to the Board and shall not vote on any question relating to the contract or arrangement.

Question that the provisions of this Schedule stand part of the Bill — Agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered a Bill for an Act to Establish the National Postgraduate College of Medical Laboratory Science and for Matters Connected Therewith, 2017 and approved as follows:

Clauses 1- 16 — As Recommended

Schedule — As Recommended

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

Motion made: That the Bill be now Read the Third Time (*Senate Leader*).

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

20. Committee on Federal Capital Territory:

That the Senate do consider the Reports of the Committee on Federal Capital Territory on the following House Bills for Concurrence:

- i. Federal Capital Territory Civil Service Commission Bill, 2017 (HBs. 167 & 310);
- ii. Federal Capital Territory Water Board (Establishment, etc.) Bill, 2017 (HB.318);
- iii. Federal Capital Territory Transport Authority (Establishment, etc.) Bill, 2017 (HB. 91);
and
- iv. Federal Capital Territory Hospitals Management Board (Establishment, etc.) Bill, 2017 (HB. 441) (*Senator Dino Melaye — Kogi West*).

Consideration of Bills deferred to another Legislative Day.

21. Mandatory Haemoglobin-Genotype Testing Bill, 2017 (SB.414):

Motion made: That a Bill for an Act to make provisions for Mandatory Haemoglobin-Genotype Testing and for Other Connected Matters Thereto, 2017 be read the Second Time (*Senator Ogembe S. Ahmed — Kogi Central*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee on Health to report within Four (4) weeks.

22. Chartered Institute of Directors of Nigeria (Establishment, etc.) Bill, 2017 (SB.424):

Consideration of Bill deferred to another Legislative Day.

23. Nigerian Police Act CAP P19 LFN 2004 (Amendment) Bill, 2017 (SB.453):

Motion made: That a Bill for an Act to Amend the Nigerian Police Act CAP P19 LFN 2004 to provide for enlistment requirement and welfare, align punishments contained therein with realities and for Related Matters, 2017 be read the Second Time (*Senator Oluremi S. Tinubu — Lagos Central*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee on Police Affairs to report within Four (4) weeks.

24. Nigerian Police Development Fund (Establishment, etc.) Bill, 2017 (SB. 433):

Consideration of Bill deferred to another Legislative Day.

25. Nigerian Tourism Development Corporation Act CAP N137 LFN 2004 (Repeal and Re-enactment) Bill, 2017 (SB. 429):

Motion made: That a Bill for an Act to Repeal the Nigerian Tourism Development Corporation Act CAP N137 LFN 2004 and enact the Nigerian Tourism Development Authority (NTDA) and for Other Connected Matters Thereto, 2017 be read the Second Time (*Senator Matthew A. Urhoghide — Edo South*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee on Culture and Tourism to report within Four (4) weeks.

26. Adjournment:

Motion made: That the Senate do now adjourn till Wednesday, 12th July, 2017 at 10:00 a.m. (*Senate Leader*).

Adjourned accordingly at 1:23 p.m.

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