



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA VOTES AND PROCEEDINGS

Thursday, 6 April, 2017

1. The House met at 11.12 a.m. Mr Speaker read the Prayers.
2. **Votes and Proceedings**
Mr Speaker announced that he had examined and approved the *Votes and Proceedings* of Wednesday, 5 April, 2017.

The Votes and Proceedings was adopted by unanimous consent.
3. **Announcement**
Visitors in the Gallery:
Mr Speaker recognized the presence of Staff and Students of *Shekinah International Academy*, Mararaba, Nasarawa State.
4. **Petitions**
 - (i) A petition from Mrs Salome K. Ameh, on the non-payment of the death benefits of Late D. Sunday Johnson Ameh by the National Institute for Pharmaceutical Research and Development (NIPRD), was presented and laid by Hon. Edward Gyang Pwajok (*Jo. South/Jos East Federal Constituency*).
 - (ii) Petitions from the following persons were presented and laid by Hon. Gogo Bright Tamur (*Okrika/Ogu/Bolo Federal Constituency*):
 - (a) Remember Chukwuibi and 2 others, on behalf of Ibuluya-ama community in Okrika Local Government Area, Rivers State, on the re-occurring gas explosions/leakages caused by the activities of the Nigerian National Petroleum Corporation (NNPC), Port Harcourt Refinery Company (PHRC), and Pipelines and Products Marketing Company (PPMC);
 - (b) Abibo Johnford Miebaka, on the dismissal of Abibo A. Alabela from the Nigerian Defence Academy;
 - (iii) A petition from Egwearuba Peters, on the dismissal of Asitua Alalibo, from the Nigeria Defence Academy, was presented and laid by Hon. Boma Goodhead (*Akuku-Toru/Asari-Toru Federal Constituency*).

- (iv) A petition from Comrade A. B. Donia, on the failure of the Hon. Minister of Labour and Productivity to comply with the National Industrial Court judgment in suit No. NIC/28/2008, was presented and laid by Hon. James Faleke (*Ikeja Federal Constituency*).
- (v) A petition from Juris Tanko Isa & Company (Legal Practitioners/Consultants), on behalf of Spider Network Consultancy Limited, on alleged breach of contract by the Asset Management Corporation of Nigeria (AMCON), was presented and laid by Hon. Abdullahi Umar Farouk (*Bunza/Birnin Kebbi/Kalgo Federal Constituency*).
- (vi) A petition from Peace C. Obiallor, on the non-payment of her salary and allowances by the University of Nigeria, Nsukka, Enugu State, was presented and laid by Hon. Onwubuariri Obinna Kingsley (*Onuimo/Okigwe/Isiala Mbano Federal Constituency*).

Petitions referred to the Committee on Public Petitions.

5. Presentation and First Reading of Bills

The following Bills were read the *First Time*:

- (1) National Oil Spill Detection and Response Agency Act (Amendment) Bill, 2017 (HB. 964).
- (2) Institute of Chartered Franchise Executives of Nigeria (Establishment) Bill, 2017 (HB. 999).
- (3) Affirmation of Eligibility for Public Appointments Bill, 2017 (HB. 1000).
- (4) Pharmacists Council Act (Amendment) Bill, 2017 (HB. 1002).
- (5) National Cotton, Textile and Garment Development Council (Establishment) Bill, 2017 (HB. 1003).

6. Admittance into the Chamber

Motion made and Question proposed, "That the House do admit into the Chamber, the Ministers of Budget and National Planning, and Finance and their entourage, pursuant to Order Nineteen, Rule 8 (1) of the Standing Orders of the House of Representatives, to brief the House on the serious challenges facing Nigerian Pensioners" (*Hon. Femi Gbajabiamila — House Leader*).

Agreed to.

7. Briefing on Challenges Facing Pensioners

Mr Speaker referred to the House Resolution (HR.131/2017) of Thursday, 30 March, 2017, inviting the Ministers of National Planning and Budget, and Finance, to brief the House on measures the Federal Government is taking to address the challenges facing Nigerian pensioners. He welcomed the Ministers and invited them to brief the House.

(i) *Presentation by the Minister of National Planning and Budget:*

The Minister expressed appreciation for the invitation. He acknowledged that Nigerian pensioners are facing a lot of challenges, and stated that the problem was giving Mr President serious concern. He noted that even though much of the problem was inherited, Mr President had, nonetheless, directed that a solution should be worked out with a view to speedily ameliorate the plight of the pensioners. He explained that pension obligations and projections of the Federal Government are managed under different categories such as Civilian Pensions, Military Pensions, Police Pensions, Customs, Immigration and Prisons Pensions, Universities Pensions, Parastatals and Railway Pensions, Department of State Services (DSS) Pensions, Military Intelligence Agency Pensions and the retirement benefits bond redemption fund.

The Minister further stated that Government obligations under most of those categories were up to date, and that the problem was with the retirement benefits bonds redemption fund. He noted that the problem had lingered mainly because of the issues of reconciliation of the figures for budgeting purposes. He disclosed that following a Presidential directive, a Committee headed by the Minister of Finance was set up to meet with all relevant agencies to reconcile figures, with a view to finding a quick and lasting solution to the problem. He pleaded for patience while giving assurance to the House that the Executive would approach the National Assembly to make a case for appropriate adjustment in the 2017 budget if the Committee's findings and recommendations would require such.

(ii) **Presentation by the Minister of Finance:**

The Minister of Finance reiterated the position of the Minister of National Planning and Budget and stressed the need to take the issue of pension seriously, adding that the Federal Government had released the sum of ₦42 billion on Wednesday, 5 April, 2017, to clear all arrears of pensions of those who were enrolled as appropriated. She also stated that the 5 per cent redemption bond earlier highlighted by the Minister of National Planning and Budget was supposed to cover the past services rendered by pensioners before the introduction of Contributory Pension Scheme in 2004 as provided in the Pension Reform Act, 2004.

The Minister drew the attention of the House to some of the annual estimates and requests by the National Pension Commission (PENCOM) on the redemption bonds which were presented to the legislature for appropriation, but which were not exactly appropriated as requested, thereby creating shortfalls and consequential problems to the pensioners. She noted that, under the Contributory Pension Scheme, the extant law requires that the accrued pension rights and the accrued investment income shall be consolidated at the point of retirement before a holder of *Retirement Saving Account (RSA)* can access his retirement funds. The Minister considered this provision in the law as part of the problems, and thus suggested that the legislature should have another look at it. She appealed for understanding and cooperation between the Executive and Legislature in order to effectively nip the pension problems in the bud.

Questions and Observations were raised by some Hon. Members on the Ministers' presentations.

The Ministers responded to the questions and observations on their presentations and thanked the House for the opportunity provided to make clarification on the issues of pensions.

8. **A Bill for an Act to Provide for Secured Transactions, Registration and Regulation of Security Interests in Movable Assets and for Other Related Matters (HB. 147) — Third Reading**
Motion made and Question proposed, "That a Bill for an Act to Provide for Secured Transactions, Registration and Regulation of Security Interests in Movable Assets and for Other Related Matters (HB. 147) be now read the Third Time" (Hon. Femi Gbajabiamila — House Leader).

Agreed to.

Bill read the Third Time, and passed.

9. **A Bill for an Act to Amend the Matrimonial Causes Act, Cap. M7, Laws of the Federation of Nigeria, 2004 to Increase the Amount Paid as Penalty and for Other Related Matters (HB.110) — Third Reading**
Motion made and Question proposed, "That a Bill for an Act to Amend the Matrimonial Causes Act, Cap. M7, Laws of the Federation of Nigeria, 2004 to Increase the Amount Paid as Penalty and for Other Related Matters (HB.110) be now read the Third Time" (Hon. Femi Gbajabiamila — House Leader).

Agreed to.

Bill read the Third Time, and passed.

10. A Bill for an Act to Provide for Personal Data Protection to Regulate the Processing of Information Relating to Individuals, Including the Obtaining, Holding, Use or Disclosure of such Information and for Other Related Matters (HB. 2) — *Third Reading*
Motion made and Question proposed, "That a Bill for an Act to Provide for Personal Data Protection to Regulate the Processing of Information Relating to Individuals, Including the Obtaining, Holding, Use or Disclosure of such Information and for Other Related Matters (HB. 2) be now read the Third Time" (Hon. Femi Gbajabiamila — House Leader).

Agreed to.

Bill read the Third Time, and passed.

11. A Bill for an Act to Amend the National Honours Act, Cap. N43, Laws of the Federation of Nigeria, 2004 by Subjecting the Nomination for the Award of National Honours to the Confirmation of the Senate and Stipulating Qualifications and Conditions for the Award and to Repeal the National Honours Act and the Nigerian National Merit Award Act, Cap. N122, Laws of the Federation of Nigeria, 2004 and Re-enact the Nigerian National Honours and Merit Award Commission to, among other things, Provide for the Establishment of a Commission that will Regulate Matters Related to National Honours and Merit Award in Nigeria and to Amend the Nigerian National Merit Award Act to Provide Awards to Deserving States and Companies in Nigeria and for Other Related Matters (HB. 654, HB. 559 and HB.929) — *Second Reading*
Motion made and Question proposed, "That a Bill for an Act to Amend the National Honours Act, Cap. N43, Laws of the Federation of Nigeria, 2004 by Subjecting the Nomination for the Award of National Honours to the Confirmation of the Senate and Stipulating Qualifications and Conditions for the Award and to Repeal the National Honours Act and the Nigerian National Merit Award Act, Cap. N122, Laws of the Federation of Nigeria, 2004 and Re-enact the Nigerian National Honours and Merit Award Commission to, among other things, Provide for the Establishment of a Commission that will Regulate Matters Related to National Honours and Merit Award in Nigeria and to Amend the Nigerian National Merit Award Act to Provide Awards to Deserving States and Companies in Nigeria and for Other Related Matters (HB. 654, HB. 559 and HB.929) be now read a Second Time" (Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency and 2 others).

Debate.

Question that the Bill be read a Second Time — Agreed to.

Bill read the Second Time.

Bill referred to the Committee on Governmental Affairs.

1. A Bill for an Act to Repeal the National Housing Fund Act, Cap. N45, Laws of the Federation of Nigeria, 2004 and Establish the National Housing Trust Fund Act, and for Other Related Matters (HB.891) — *Second Reading*
Motion made and Question proposed, "That a Bill for an Act to Repeal the National Housing Fund Act, Cap. N45, Laws of the Federation of Nigeria, 2004 and Establish the National Housing Trust Fund Act, and for Other Related Matters (HB.891) be now read a Second Time" (Hon. Abdullahi Umar Faruk — Bunza/Birnin Kebbi/Kalgo Federal Constituency).

Debate.

Question that the Bill be read a Second Time — Agreed to.

Bill read the Second Time.

Bill referred to the Committee on Housing.

13. **A Bill for an Act to Establish Development Planning and Projects Continuity and to make Development Planning Compulsory in Nigeria and in the Area Councils of the Federal Capital Territory and to create Coherent and Measureable Targets in Developmental Plans and for Other Related Matters (HB.934) — Second Reading**

Motion made and Question proposed, "That a Bill for an Act to Establish Development Planning and Projects Continuity and to make Development Planning Compulsory in Nigeria and in the Area Councils of the Federal Capital Territory and to create Coherent and Measureable Targets in Developmental Plans and for Other Related Matters (HB.934) be now read a Second Time" (*Hon. Ossai Nicholas Ossai — Ndokwa East/ Ndokwa West/Ukwuani Federal Constituency*).

Debate.

Question that the Bill be read a Second Time — Agreed to.

Bill read the Second Time.

Bill referred to the Committee on National Planning and Economic Development.

14. **A Bill for an Act to Amend the Lagos Ports Operations (Special Provisions) Act, Cap. L3, Laws of the Federation of Nigeria, 2004 and for Other Related Matters (HB.269) — Second Reading**

Motion made and Question proposed, "That a Bill for an Act to Amend the Lagos Ports Operations (Special Provisions) Act, Cap. L3, Laws of the Federation of Nigeria, 2004 and for Other Related Matters (HB.269) be now read a Second Time" (*Hon. Gabriel Onyenwufe — Ayamelum/Oyi Federal Constituency*).

Debate.

Question that the Bill be read a Second Time — Agreed to.

Bill read the Second Time.

Bill referred to the Committee of the Whole.

15. **Need to Curb the Scourge of Meningitis in Nigeria**

Motion made and Question proposed;

The House:

Notes with sadness the ongoing scourge of meningitis ravaging most parts of Nigeria and which has so far killed over two hundred and thirty persons with numerous others hospitalized;

Empathizes with the families of victims of this dastardly menace, believing that the extent of the spread would have been minimized if adequate proactive measures were taken;

Aware that the outbreak being an annual phenomenon, the Federal Ministry of Health ought to have been proactive to anticipate and put in place plans to address it;

Concerned that the ravaging scourge of meningitis may not be over unless measures are taken to curb the spread;

Resolves to:

Mandate the Committee on Healthcare Services to invite the Minister of Health to brief the Committee on the efforts the Ministry is making to curb the menace and to ensure there is no scarcity of the vaccine to treat victims and report back within two (2) weeks or further legislative action (*Hon. Johnson Egwakhide Oghuma — Etsako East/Etsako West/Etsako Central Federal Constituency*).

Debate.

Agreed to.

The House:

Noted with sadness the ongoing scourge of meningitis ravaging most parts of Nigeria and which has so far killed over two hundred and thirty persons with numerous others hospitalized;

Empathized with the families of victims of this dastardly menace, believing that the extent of the spread would have been minimized if adequate proactive measures were taken;

Aware that the outbreak being an annual phenomenon, the Federal Ministry of Health ought to have been proactive to anticipate and put in place plans to address it;

Concerned that the ravaging scourge of meningitis may not be over unless measures are taken to curb the spread;

Resolved to:

Mandate the Committee on Healthcare Services to invite the Minister of Health to brief the Committee on the efforts the Ministry is making to curb the menace and to ensure there is no scarcity of the vaccine to treat victims and report back within two (2) weeks or further legislative action (**HR. 152/2017**).

16. Call on the National Population Commission to Establish and Maintain a More Efficient System of Births and Deaths Registration in the Country
Motion made and Question proposed;

The House:

Aware that Part 1, item j, paragraph 23 (b) of the Third Schedule to the 1999 Constitution empowers the National Population Commission to establish and maintain a machinery for continuous and universal registration of births and deaths throughout the Federation;

Also aware that many Nigerians and non-Nigerians are denied official certificates of births and deaths, thereby making many to resort to age declarations in Courts;

Concerned that many citizens resort to deliberate alteration of their records due to lack of official recording mechanism available at times of births or deaths;

Cognizant that records of births and deaths are vital statistics that enhance national planning, monitoring of a country's population and policy making;

Resolves to:

- (i) urge the National Planning Commission to liaise with appropriate authorities to domicile births and deaths registers at every town/village to ensure a more efficient population records in communities throughout the federation and train community statistics attendants for the purpose;

- (ii) also urge the National Population Commission to commence widespread campaigns on the importance of births and deaths registration across the federation;
- (iii) mandate the Committees on Population, and National Planning and Economic Development to regularly monitor compliance and report back for further legislative action (*Hon. Omosede Gabriella Igbinedion — Ovia Northeast/Ovia Southwest Federal Constituency*).

Debate.

Agreed to.

The House:

Aware that Part 1, item j, paragraph 23 (b) of the Third Schedule to the 1999 Constitution empowers the National Population Commission to establish and maintain a machinery for continuous and universal registration of births and deaths throughout the Federation;

Also aware that many Nigerians and non-Nigerians are denied official certificates of births and deaths, thereby making many to resort to age declarations in Courts;

Concerned that many citizens resort to deliberate alteration of their records due to lack of official recording mechanism available at times of births or deaths;

Cognizant that records of births and deaths are vital statistics that enhance national planning, monitoring of a country's population and policy making;

Resolved to:

- (i) urge the National Planning Commission to liaise with appropriate authorities to domicile births and deaths registers at every town/village to ensure a more efficient population records in communities throughout the federation and train community statistics attendants for the purpose;
- (ii) also urge the National Population Commission to commence widespread campaigns on the importance of births and deaths registration across the federation;
- (iii) mandate the Committees on Population, and National Planning and Economic Development to regularly monitor compliance and report back for further legislative action (**HR. 153/2017**).

17. Call on the Federal Government to Drop the 20% Tariff Imposed on Imported Medicines
Motion made and Question proposed;

The House:

Notes that the Minister of Finance, Mrs Kemi Adeosun has communicated the approval of the President of an Import Adjustment Tax list wherein 20% tax was imposed on medicines such as paracetamol tablets and syrup, chloroquine tablets and syrup, imported into the country;

Aware that until this Import Adjustment List, Nigeria had a 0% duty on imported drugs as a result of the recommendation of an Economic Community of West African States (ECOWAS) Committee on Health that member states impose zero percent (0%) duty on imported drugs, given that the healthcare needs of the region cannot be adequately addressed by local manufacturing;

Concerned that the situation that necessitated the ECOWAS recommendation prior to 2013 has not abated, instead it has exacerbated;

Also concerned that the reintroduction of duty and imposition of a whopping 20% tax on imported medicines will aggravate the already deplorable condition of the nation's healthcare delivery system and could lead to high death rates;

Resolves to:

- (i) urge the Federal Government to delist medicines from the list of items that will attract imposition of duties until such a time that local manufacturing would have reasonably guaranteed not only the quality but the quantum of medicines to be administered in Nigeria;
- (ii) mandate the Committee on Delegated Legislations to ensure implementation and report back in four (4) weeks for further legislative action (*Hon. Onwubuariri Obinna Kingsley — Onuimo/Okigwe/Isiala Mbano Federal Constituency*).

Debate.

Amendment Proposed:

Leave out Prayers (i) and (ii) and *insert* a new Prayer as follows:

"Mandate the Committees on Health Institutions, and Healthcare Services to urgently investigate the matter and report back within 2 weeks for further legislative action" (*Hon. Ossai Nicholas Ossai — Ndokwa East/Ndokwa West/Ukwuani Federal Constituency*).

Question that the amendment be made — Agreed to.

Question on the Motion as amended — Agreed to.

The House:

Noted that the Minister of Finance, Mrs Kemi Adeosun has communicated the approval of the President of an Import Adjustment Tax list wherein 20% tax was imposed on medicines such as paracetamol tablets and syrup, chloroquine tablets and syrup, imported into the country;

Aware that until this Import Adjustment List, Nigeria had a 0% duty on imported drugs as a result of the recommendation of an Economic Community of West African States (ECOWAS) Committee on Health that member states impose zero percent (0%) duty on imported drugs, given that the healthcare needs of the region cannot be adequately addressed by local manufacturing;

Concerned that the situation that necessitated the ECOWAS recommendation prior to 2013 has not abated, instead it has exacerbated;

Also concerned that the reintroduction of duty and imposition of a whopping 20% tax on imported medicines will aggravate the already deplorable condition of the nation's healthcare delivery system and could lead to high death rates;

Resolved to:

Mandate the Committees on Health Institutions, and Healthcare Services to urgently investigate the matter and report back within 2 weeks for further legislative action (**HR. 154/2017**).

18. **Consideration of Reports**

- (i) **A Bill for an Act to Establish the Nigeria Agricultural Quarantine Service and for Other Related Matters (HB. 866) (Committee of the Whole):**

Motion made and Question proposed. "That the House do consider the Report of the Committee of the Whole on a Bill for an Act to Establish the Nigeria Agricultural Quarantine Service and for Other Related Matters (HB. 866) and approve the recommendations therein"

(Hon. Mohammed Tahir Monguno — Monguno/Marte Nganzai Federal Constituency).

Question — Agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO ESTABLISH NIGERIA AGRICULTURAL QUARANTINE SERVICE AND OTHER MATTERS CONNECTED THEREWITH (HB. 866)

PART I — ESTABLISHMENT OF THE NIGERIA AGRICULTURAL QUARANTINE SERVICE AND THE GOVERNING BOARD

Clause 1: Establishment of the Agency.

There is established a body to be known as the Nigeria Agricultural Quarantine Service (in this Bill referred to as "the Service") which:

- (a) shall be a body corporate with perpetual succession and a common seal; and
- (b) may sue and be sued in its corporate name *(Hon. Mohammed Tahir Monguno — Monguno/Marte Nganzai Federal Constituency).*

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

Clause 2: Establishing of the Governing Board.

- (1) There is established for the Service, a Governing Board which shall consist of:

- (a) a chairman;
- (b) representative of the Federal Ministry of Agriculture and Rural Development;
- (c) representative of the Federal Ministry of Industry, Trade and Investment;
- (d) Comptroller General, Nigeria Customs Service;
- (e) representative of Manufacturers Association of Nigeria;
- (f) the Director - General of the Service; and
- (g) three persons to be appointed by the President on the recommendation of the Minister.

- (2) Each member of the board shall hold office for a term of 4 years and no more.
- (3) The supplementary provisions set out in the First Schedule to this Bill shall have effect with respect to the proceedings of the Board and other matters contained therein (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Clause 3: Cessation of Membership.

- (1) A member shall cease to be a member if:
 - (a) he resigns as a member by notice in writing under his hand addressed to the Minister and from the date specified in the notice or, if no date is specified, from the date of the receipt by the Minister of the notice, he shall cease to be a member; or
 - (b) he is without permission of the Board absent from more than two consecutive meetings or without such permission is absent from the country for a period exceeding one year; or
 - (c) the Minister subject to the approval of the President, is satisfied that is not in the interest of the Service or the public for the person appointed to continue in office and notifies the member in writing to that effect.
- (2) If the Minister is satisfied that a member of the Board:
 - (a) has become bankrupt; or
 - (b) is incapacitated by physical or mental illness;
 - (c) holds any other office of profit under the Service;
 - (d) enters into contract with the Service or is engaged or participates in the sharing of the profits of any contract with the Service;
 - (e) is guilty of serious misconduct in relation to his duties;
 - (f) has been convicted at any time by any court of law in Nigeria or elsewhere for an offence involving financial dishonesty; or
 - (g) is otherwise unable or unfit to discharge the functions of a member; the Minister may declare his office as a member of the board to be vacant.
- (3) Where a member ceases to hold office for any reason whatsoever before the expiration of his term of office, President after consulting the Minister may appoint another person for the unexpired term (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

Question that Clause 3 stand part of the Bill — Agreed to.

Clause 4: Dissolution.
Notwithstanding anything to the contrary in this Bill, the Minister shall exercise the powers of the Board where:

- (a) the Board has not been constituted;
- (b) the Board has been dissolved; and
- (c) any action taken or decision reached in compliance with the provisions of this subsection shall be valid for all intent(s) and purpose(s) (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

Question that Clause 4 stand part of the Bill — Agreed to.

Clause 5: Allowances of members.
A member shall be paid such remuneration and allowance as the Federal Government may from time to time direct (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

Question that Clause 5 stand part of the Bill — Agreed to.

PART II — OBJECTIVES, STRUCTURE, FUNCTIONS OF THE
SERVICE AND POWERS OF THE BOARD

Clause 6: Objectives of the Service.
(1) The Service should have the following objectives to —

- (a) prevent the introduction, establishment and spread of exotic pests and diseases of plants, animals and aquatic resources and their products into the country, to safeguard the nation's agricultural economy;
- (b) ensure the nation's indigenous Agricultural pest and diseases are not exported, to promote sanitary and phytosanitary measures for agricultural export in international trade;
- (c) control regional and International movement of plant, animal and aquatic resources in order to prevent the introduction and spread of diseases;
- (d) ensure the protection of the nation's ornamental fish species, ecosystems and meet the standard for the ornamental fish spread;
- (e) boost the nation's agricultural productivity by contributing to wealth creation and employment generation to the critical agricultural sub-sector, to ensure food security and increase Gross Domestic Product; and
- (f) prevent pesticides or mycotoxin contamination of agricultural commodities (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Clause 7: **Structure of the Service.**

- (1) There shall be established for the Service the following Departments:
 - (a) Plant Quarantine;
 - (b) Animal Quarantine;
 - (c) Aquatic Resources;
 - (d) Laboratory Management;
 - (e) Planning, Research and Development;
 - (f) Finance and Administration; and
 - (g) such other Departments, divisions or units as the Service, with the approval of the board, may require for effective and efficient performance of its functions under this Bill.
- (2) Each Department shall be headed by a Director.
- (3) The Service shall establish Zonal Quarantine Offices and Directorates in the discharge of its functions.
- (4) For the purpose of carrying out or enforcing the provisions of this Bill, all officers of the Service involved in the enforcement of the provisions of this Bill, shall have the same powers, authority, and privileges as are given by law to members of Nigeria Customs Service.
- (5) The officers of the Service for the purpose of enforcing the provisions of this Bill shall be ranked accordingly as expressly stated in Schedule II to this Bill (*Hon. Mohammed Tahir Monguno - Monguno/Marte/Nganzai Federal Constituency*).

Question: That Clause 7 stand part of the Bill — Agreed to.

Clause 8: **Functions of the service.**

- (1) The Service shall:
 - (a) enforce compliance with laws, guidelines, policies and standards on agricultural quarantine procedure;
 - (b) coordinate and liaise with stakeholders within and outside Nigeria to ensure compliance with matters of agricultural quarantine standards, regulations and enforcement;
 - (c) enforce compliance with the provision of international agreements, protocols, conventions and treaties on agricultural quarantine, including forestry, endangered species, plants, plant products, animal, animal products, aquatic resources and its products, biologies, aquaculture, marine and wildlife, and such other agricultural quarantine agreements as may from time to time come into force;

- (d) enforce compliance with any legislation on disposal of plants, plant products, animal, animal products, aquatic resources and its products, biologics, and regulated articles at the ports of entry and Agricultural Quarantine Stations;
- (e) enforce compliance through monitoring the agricultural quarantine regulations and standards on plants, plant products, animal, animal products, aquatic resources and its products;
- (f) enforce compliance with regulations on the implementation and exportation of plants, plant products, animals, animal products, aquatic resources and its products, biologics, wildlife, wild life trophies, and wood products;
- (g) ensure that agricultural quarantine projects funded by donor organizations and external support agencies are carried out in compliance to regulations in plant health, animal and public health;
- (h) ensure compliance with agricultural quarantine control measures using the registration, licensing, permits, inspection and certification systems;
- (i) conduct agricultural quarantine audit, pest surveys and disease surveillance, containment and eradication programmes of regulated quarantine pests and establish data bank on regulatory and enforcement mechanisms of agricultural quarantine standards;
- (j) prohibit the use of processes, equipment and materials that are capable of undermining public health, sanitation, and endangering the agricultural economy;
- (k) develop agricultural quarantine networks, compile and synthesize data on agricultural quarantine measures compliance from all sectors;
- (l) enter into agreement with public or private organizations and individuals to develop, utilize, coordinate and share monitoring programmes, research works, data on the effect of various activities as they concern the mandate of the Service;
- (m) collect and make available, through publications and other appropriate means and in co-operation with public and private organizations, scientific data and other information pertaining to agricultural quarantine measures and standards;
- (n) charge fees for tests, inspection, investigations, diagnosis, treatment, prevention, control and other services performed by the Service;
- (o) develop pest and animal diseases diagnostic and analytic capabilities and establish laboratories and quarantine stations at such places as may be deemed necessary and encourage and promote activities related to the functions of the Service; with respect to plant, plant products; wild life, wild life trophies and wool product;

- (p) collaborate with relevant agencies in the conduct of public investigation on epidemic, public health and sanitation occasioned by the spread or outbreak of quarantine-able diseases or pests;
- (q) train and develop the staff of the Service; and other relevant agencies (national and international) with the approval of the Minister, establish the programmes for setting standards and regulations for the prevention, reduction and elimination of quarantine-able diseases, pest and epidemics caused by these diseases or brought about by these pests;
- (r) enforce and ensure compliance with laws; regulations and schedules of inspection as well as import permits, sanitary and Phytosanitary certificates for importation of plants, animals and aquatic resources;
- (s) intercept and seize all illegal imports and exports of agricultural commodities and regulated materials;
- (t) ensure that any plant or plant products, animal or animal products, aquatic resources and its products meant for export or export processing, or producing facility that utilizes raw or semi-processed agricultural products shall undergo quarantine inspection and certification before packaging and labelling;
- (u) ensure that any plant or plant products, animal or animal products, aquatic resources and its products intended for export must be declared to the Service at least 24 hours before the time of departure;
- (v) ensure that any international movement of wood packaging materials including dunnages, crates, pallets shall be subjected to quarantine inspection and certification;
- (w) ensure that any international movement of used vehicles, machinery and equipment must be subjected to Phytosanitary measures to prevent introduction of quarantine pest;
- (x) ensure that all imports of live animals must be subject to quarantine inspection and certification at designated quarantine stations, before release into the national herd;
- (y) ensure that all plant pests and disease outbreaks, shall be reported to the Service for investigation, treatment, control, prevention and the Service shall inform the Minister for necessary action;
- (z) ensure compliance of acceptable levels of pesticides mycotoxin, heavy metals, and other contaminants in agricultural produce meant for export;
- (zl) establish the programmes for setting standards and regulations for the prevention, reduction and elimination of quarantine-able diseases, pests and epidemics caused by these diseases or brought about by these pests;

- (z2) conduct national or international training and development of its staff in the relevant areas of competence either on its own or with other relevant agencies subject to the approval of the Board; and
 - (z3) ensure that authorized officer shall board and inspect any aircraft, sea vessels, rail wagons, trucks, or any carriage container, carrying any agricultural product at any of the entry or exit point, such as land borders, interstate control post, airport, sea port, etc.
- (2) The Service shall collaborate and cooperate to the full extent permissible under this Bill, or other relevant legislations, with Ministries, Departments or Agencies including the Ministry, Veterinary Service, Animal Production, Fisheries, Forestry, and the branches and agencies of these Departments or any agency of the Federal or State Government and international organisations or Institutions with functions and responsibilities related to those of the Service.
- (3) The Service may cause to be published such studies and reports, which shall include a review of medium and long-term economic prospects and problems, prepared for the use of the Service as it deems fit.
- (4) It shall be the duty of the Board to comply with any directives given by the Minister under this section (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

Question that Clause 8 stand part of the Bill — Agreed to.

Clause 9: Powers of the Board. •

- (1) The Board shall have power to:

- (a) manage and superintend the affairs of the Service;
- (b) subject to the provisions of this Bill, make, alter and revoke rules and regulations for carrying on the functions of the Service;
- (c) fix the terms and conditions of service including remuneration of employees of the Service in conjunction with the office of the Head of Service of the Federation;
- (d) maintain the efficiency and adequacy of the Service to ensure the efficient performance of its functions;
- (e) in the absence of a duly constituted Board for the Service, the Director General of the Service shall with the approval of the Minister carry out such functions of the Board as may be required.

- (2) In the exercise of its functions and powers, the Service shall give effect to the policy of the Service in relation to those functions and powers as communicated to it from time to time in writing by the Minister (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

Question that Clause 9 stand part of the Bill — Agreed to.

PART III — APPOINTMENT OF THE DIRECTOR GENERAL AND OTHER STAFF

Clause 10: **Appointment of the Director-General.**

- (1) There shall be for the Service a Director General who shall be appointed by the President on the recommendation of the Minister.
- (2) The Director General shall be a person with cognate and professional experience in agricultural quarantine activities.
- (3) The Director General shall be the Chief Executive and Accounting Officer of the Service and is responsible for the execution of the policies and the day to day administration of the Service.
- (4) The Director General shall:
 - (a) hold office for a term of five years and renewable for another five years and no more;
 - (b) on such terms and conditions as are specified in his letter of appointment.
- (5) If for any reason the Director General is unable to perform his function or carry out his duties or there exist a vacancy in the office of the Director General the board may designate an employee of the service who is next in rank to act as the Director General during the period of his inability or vacancy until a Director General is appointed in accordance with the provision of this Bill and the employee shall while so acting have all the powers and perform all the functions of the Director General (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

Question that Clause 10 stand part of the Bill — Agreed to.

Clause 11: **Appointment of Secretary/Legal Adviser.**

- (1) The Board shall appoint for the Service, a Secretary/Legal Adviser who shall be a legal practitioner and must have been so qualified for a period of not less than 10 years.
- (2) The Secretary/Legal Adviser shall:
 - (a) be Secretary to the Board;
 - (b) be responsible for keeping the books and proper records of proceedings and correspondences of the Board and the upkeep of the records of the Service;
 - (c) administer and discharge all legal obligations of the Service;
 - (d) administer and discharge all insurance requirements of the Service;
 - (e) retain external legal services on behalf of the Board as he may deem necessary or expedient; and
 - (f) perform such other functions as the Board or the Director - General as the case may be, may from time to time, assign to him.

- (3) The Board may deploy or appoint other employees upon such terms and conditions as may be determined by the Board (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

Question that Clause 11 stand part of the Bill — Agreed to.

PART IV — FINANCIAL PROVISIONS

Clause 12: Fund of the Service.

- (1) The Service shall establish and maintain a Fund from which shall be defrayed all expenditure Fund of the incurred by the Service.
- (2) There shall be paid and credited into the Fund the following:
 - (a) such sum as may be appropriated to it by the National Assembly;
 - (b) 2% of the Agriculture Development Fund;
 - (c) such sum as may be approved by the President from the National Resource Development Fund;
 - (d) loans and grants in aid from national, bilateral and multilateral agencies;
 - (e) all sums accruing to the Service by way of rents, fees grants, subsidies, subscriptions, interest, royalties and other internally generated revenues from services rendered by the Service;
 - (f) all sums accruing to the Service by way of gifts, endowments, bequeaths or other voluntary contributions by persons and organizations but the Service shall not be obliged to accept a gift, endowment, bequeath, contribution or donation for a particular purpose unless it approves of the terms and conditions attached to such;
 - (g) any sum or property which may in any manner become payable to or vest in the Service in respect of the performance of its functions;
 - (h) any sum derived from the sale of any property held by or on behalf of the Service;
 - (i) any other sum and property lawfully received by the Service for the purposes of the Service; and
 - (j) all accumulations of income derived from any such property or money (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Clause 13: Expenditure.

The Service shall, from time to time, apply the funds at its disposal to:

- (a) the cost of establishing and maintaining the Head Office of the Service, located at the Federal Capital Territory, Abuja and its offices and stations in other places in Nigeria;

- (b) the cost of compliance monitoring and enforcement activities including provision of uniform materials/paraphernalia, and payment of rents for offices;
- (c) pay allowances and other benefits of members of the Board and of its committees;
- (d) pay the salaries and entitlements of the Director-General and other members of staff of the Service;
- (e) pay the pension, overhead and other administrative costs incurred by the Service;
- (f) training and capacity building of staff of the Service; develop and maintain any property vested in or owned by the Service including vehicles, facilities, laboratories, equipment and infrastructures;
- (g) pay for services and contracts entered into by the Service; and
- (h) undertake any other activity in connection with all or any of the functions of the Service (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Clause 14: Annual account and estimate.

- (1) The Service shall every year cause to be prepared and shall adopt annual estimates of income and expenditure of the Service for the ensuing year and, if so directed by the Minister, for any other period and estimate and shall submit these estimates not later than such date as the Minister directs.
- (2) A copy of all annual estimates and supplementary estimates, shall, upon their adoption by the Board, be sent forthwith to the Minister for approval.
- (3) Moneys shall not be expended by the Service other than in accordance with the estimates of expenditure approved by the Minister (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

Question that Clause 14 stand part of the Bill — Agreed to.

Clause 15: Annual Report.

- (1) The Service shall, as soon as practicable after each thirtieth day of December occurring after the commencement of this Bill, prepare and furnish to the Minister a report on the operation of the Service during the year ended on that date, together with financial statements in respect of that year in such form as the Auditor-General of the Federation approves.
- (2) Before furnishing the financial statements to the Minister, the Service shall submit it to the Auditor - General of the Federation (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

Question that Clause 15 stand part of the Bill — Agreed to.

Clause 16: Power to accept gift.

- (1) The Service may accept any 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 Service shall not accept any gift if the conditions attached by the person or organization offering the gift are inconsistent with functions and objectives of the Fund (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

Question that Clause 16 stand part of the Bill — Agreed to.

Clause 17: Power to borrow.

- (1) The Service may from time to time, borrow by way of overdraft or otherwise such sums as it may require for the performance of its functions under this Bill.
- (2) Where the sum to be borrowed is in foreign currency, the Service shall seek and obtain the approval of the Minister through the Board (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Clause 18: Power to into contract.

No committee of the Service or any person or body engaged by it, and notwithstanding anything in the enter terms of reference:

- (a) shall carry on any activity on behalf of the Service unless the consent of the Board is obtained; and
- (b) shall enter into any contract with any other person or body, except with the consent of, or in accordance with the terms of any general authority given by the Board (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Clause 19: Power to acquire land.

- (1) For the purpose of providing offices and premises necessary for the performance of its functions, the Service may, subject to the provisions of the Land Use Act, 1978:
 - (a) purchase or take on lease any interest in land, building or property; and
 - (b) build, equip and maintain offices and premises.
- (2) The Service may, subject to the provisions of the Land Use Act, 1978, sell or lease any office or premises held by it, which is no longer required for the performance of its functions under this Bill (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

Question that Clause 19 stand part of the Bill — Agreed to.

PART V — MISCELLANEOUS

Clause 20: Power of Authorized Officer.

An Authorised Officer shall:

- (a) inspect, examine and take samples of any plant, plant products, animal, animal products, aquatic resources and its products or regulated articles and subject such samples for further sanitary or phytosanitary action;
 - (b) enter and search at all reasonable time and with such assistance, if any, as he considers necessary, any area or premises if he has a reason to believe that an offence under this Bill has been, is being or is about to be committed or for the purpose of satisfying himself that the provisions of this Bill are being complied with after identifying himself by making available the identity card issued to him by the Service;
 - (c) request the consignee to produce an import permit, health certificate and any other documentation required under this Bill and an authorized officer shall not, in the exercise of power conferred under this session enter into any building or part of a building, place or residence without being in possession of a warrant issued by a competent authority;
 - (d) inspect, examine and make copies of the permits, Health certificates or other documents or of the extracts from registers or records kept by the persons found on the premises and seize any permit, certificates or any other document if the authorized officer have reason to suspect that all or any of the documents may be useful as evidence in the prosecution of an offence under this Bill;
 - (e) search any person, baggage, package, conveyance or any other regulated article upon entry into or exit from Nigeria;
 - (f) make such examination and inquiries as he deems fit in order to ascertain whether the provisions of this Bill are being complied with and for that purpose stop any conveyance;
 - (g) stop the distribution, sale or use of any plant or plant products, animal and animal products, aquatic resources and its products or regulated articles and seize same if he has reason to believe that they are being distributed, sold or used in contravention of the provisions of this Bill;
 - (h) order at the owners expense, the treatment or disposal including reshipment and confinement in quarantine sites for plants, plant products, animal and animal products, aquatic resources and its products or regulated articles imported into Nigeria, whether or not they are covered by import permits and health certificates, as well as the treatment of incoming conveyances as he may consider necessary for the prevention of the spread of any regulated pest or diseases or contamination by pesticides, mycotoxins among others which he has reasonable grounds to believe is or are among such plants, plant products, animal, and animal products, aquatic resources and its products or regulated articles;
- be present when the official service seal on containers containing plant, plant products, animal, and animal products, aquatic resources and its products or regulated articles are being broken.

- (j) be accompanied and assisted by police officers as the need arises in the performance of their functions under this section;
- (k) order that plants, plant products and other regulated articles imported, if found or suspected to be infected with any regulated pest or diseases or contamination by pesticides, mycotoxins among others be destroyed or re-shipped to the country of origin or direct that plant products, animal, and animal products, aquatic resources and its products or regulated articles not be granted entry into Nigeria unless treated in accordance with the existing sanitary and phytosanitary regulations of the Service;
- (l) refuse to issue phytosanitary certificate for plants, plant products, health certificates for animal and fish products and other regulated articles on exportation where request for sanitary and phytosanitary certificates are found or suspected not to be in compliance with sanitary requirements of the importing country until they have been so treated;
- (m) conduct inspection and animal diseases surveillance of trade animals which shall be accompanied with veterinary movement and loading permit at the inter-state veterinary control posts; and
- (n) exercise such other powers as the Service may delegate to the authorized officer for carrying out the provision of the Act (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Clause 21: Offences

It shall be an offence to:

- (a) grow, rear, possess, sell, offer for sale, transport or distribute in any manner any plant, plant product, animal, animal product, fish, fish product or regulated article knowing them to be imported into Nigeria contrary to this Bill;
- (b) assault, resist, threaten or willfully obstruct any authorized officer from exercising his lawful function under this Bill;
- (c) fail to comply with any order or directive lawfully made or given under this Bill;
- (d) import any plant, plant product, animal, animal product, fish, fish product or regulated articles contrary to any requirements prescribed under this Bill;
- (e) import any plant, plant product, animal, animal product, fish, fish product or regulate articles contrary to any requirements prescribed under this Bill;
- (f) fail to allow a search or inspection authorized under this Bill;
- (g) knowingly or recklessly provide information which is false for the purpose of obtaining any document under this Bill; and
- (h) alter, forge, deface or destroy any document issued under this Bill (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

Question that Clause 21 stand part of the Bill — Agreed to.

Clause 22: Penalties.

- (1) Any person who commits an offence under section 20 of this Bill shall:
 - (a) on a first conviction be liable to a term of imprisonment for one year or one hundred percent of the market value of the plants, plant products, animal and animal products, aquatic resources and its products or regulated articles or to both fine and imprisonment; and
 - (b) on a second conviction be liable to a term of imprisonment for a two year term or a fine of two hundred percent of market value of the plants, plant products, animal and animal products, aquatic resources and its products or regulated articles or to both fine and imprisonment.
- (2) In addition, in the case of second summary conviction, the Service may suspend the rights of the person temporarily to import as well as to perform any activities accredited by the Service.
- (3) In all cases, all plants, plant products, animal, and animal products, aquatic resources and its products or regulated articles imported into Nigeria in contravention of this Bill, rules, orders or regulations made pursuant to this Bill shall be subject to reshipment, confiscation and destruction at owners cost (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

PART VI — LEGAL PROCEEDINGS

Clause 23: Indemnity.

A member, the Director - General or any employee of the Service shall be indemnified out of the asset of the Service against any liability incurred by him in defending any proceeding, whether civil or criminal, if any such proceeding is brought against him in his capacity as a member, Director General or employee of the Service (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Clause 24: Execution of deeds.

- (1) All deeds, instruments, contracts and other documents shall be duly executed by or on behalf of the Service if sealed with the seal of the Service and signed by the Director - General or any other person not below the rank of a Director appointed by the Board for that purpose.
- (2) A deed, instrument, contract or other document executed in accordance with subsection (1) shall, subject to any exception that may be taken thereto on any ground other than that of competence of the party executing the same on behalf of the Service, be effectual in law to bind the Service and its successors and may be varied or discharged in like manner as that in which it was executed (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

Question that Clause 24 stand part of the Bill — Agreed to.

- Clause 25: **Limitation of suits against the Service.**
- (1) No suit shall be instituted against the Service or its employees unless it commenced:
 - (a) within three months after the act, neglect, or default complained of; and
 - (b) in the case of continuation of damage or injury, within six months after the ceasing thereof.
 - (2) No suit shall commence against the Board, Director - General or any employee of the Service before the expiration of a period of one month, after written notice of intention to commence the suit shall have been served on the Service by the intending plaintiff or his agent.
 - (3) The notice referred to in subsection (2) of this Section shall clearly state the:
 - (a) cause of action;
 - (b) particulars of the claim;
 - (c) name and place of abode of the intending plaintiff; and
 - (d) relief which he claims (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

Question that Clause 25 stand part of the Bill — Agreed to.

- Clause 26: **Service of documents.**
- The notice or other documents required or authorized to be served on the Service under the provisions of this Bill or any other law may be served by:
- (a) delivering the same to the office of the Director - General; or
 - (b) sending it by registered post addressed to the Director - General at the Head Office of the Service (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

- Clause 27: **Interpretation.**
- In this Bill:

"Authorised Officer" means quarantine inspector in the Pre-Entry and Post Entry border post of the Service (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

"Agricultural economy" means the relationship between agricultural production, trade and the derivable revenue for the benefit of the country. International conventions, Agreements and International Organizations under this Bill include the World Animal Health Organization, International Plant Protection Convention, Codex, Alimentations, Sanitary and Phytosanitary, International Office of Epizootics and the World Trade Organization (Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency).

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

"Board" means the Governing Board of the Service established by section 2 of this Bill (Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency).

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

"Chairman" means the Chairman of the Board (Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency).

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

"Director General" means the Chief Executive of the Service and Chairman of the Management Committee (Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency).

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

"Functions" includes power and duty (Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency).

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

"Fund" means the account established by section 8 (1) (Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency).

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

"Member" means an individual representing an organization or institution in (the Board and includes the Chairman and Director General) (Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency).

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

"Minister" means the Minister charged with responsibility for matters relating to Agriculture (Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency).

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

"Service" means the Service established by section 1 (1) (Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency).

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

"Minister" means the Minister charged with responsibility for matter relating to agriculture and Ministry shall be construed accordingly (Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency).

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

"Phytosanitary measures" means All actions taken towards ensuring good health and pest/disease free status of the plants/plant products; These include: inspection and treatment where necessary (Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency).

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

"Regulated Articles" means Articles whose importation into a territory are controlled and guided by law (Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency).

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

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

Clause 28: **Short Title.**

This Bill may be cited as the Nigeria Agricultural Quarantine Service (Establishment, etc.) Bill, 2017 (Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency).

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

SCHEDULE

SCHEDULE I

(Section 2)

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

Proceedings of the Board

1. (1) The Board shall meet and deliberate on the affairs of the Service at least twice in one year.
- (2) At any meeting of the Board:
 - (a) six members shall form a quorum, but in determining whether a quorum has been constituted the presence of any person invited to offer opinion or tender documents shall not be considered;

- (b) the Chairman, or in his absence, the member elected by the members present to act as Chairman, shall preside;
 - (c) where the Board wishes to obtain the advice of any person on any particular matter, the Board may invite any person as it thinks fit, but any person who is invited 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; and
 - (d) the Chairman or a member presiding has a deliberative vote and, in the event of equality of votes, also has a casting vote.
- 2. The Board may, if it thinks fit, transact any of the business by the circulation of papers, and resolution in writing approved in writing by a majority of the members thereof shall be as valid and effectual as if it had been passed at a meeting of the Board by the votes of the members so approving the resolution.
- 3.
 - (1) If any member has any beneficial interest in any land or building situate in an area comprised in any project of the Service, or has any beneficial interest in any company or undertaking with which the Service proposes to make any contract, or has an interest in any such contract, he shall forthwith disclose to the Board the fact and the nature of such interest, and such disclosure shall be recorded in the minutes of the Board, and thereafter such member shall take no further part in any deliberation or decision of the Board relating to such project or contract.
 - (2) Any member disclosing any interest in any project or company or undertaking in which the Service proposes to make any contract shall be disregarded for the purposes of constituting a quorum of the Board for any such deliberation or decision.
 - (3) For the purposes of subsection (1) of this section a general notice given at a meeting of the Board by a member to the effect that he is a member of a specified company or firm and is to be regarded as interested in any transaction or project of the service concerning the company or firm, shall be regarded as a sufficient disclosure of his interest in relation to that transaction or project.
 - (4) A member need not attend in person at a meeting of the Board in order to make any disclosure which he is required to make under this section if he takes reasonable steps to secure that the disclosure is made by notice which is brought up and read at the meeting.
- 4.
 - (1) The Board may, subject to the provisions of this Bill, make staff regulations relating generally to the conditions of service of the Service and without prejudice to the generality of the foregoing, such regulations may provide for:
 - (a) the appointment, promotion, termination, dismissal or other disciplinary control of the staff of the Service;
 - (b) appeals/petitions by such staff against dismissal or other disciplinary measures, and until such regulations are made, any instrument relating to the conditions of service of officers in the public service of the Federation shall be applicable, with such modifications as may be necessary; and
 - (c) the Board shall be responsible for the policy guidelines for the Service.
 - (2) The Board may make regulations with respect to:

- (a) the quorum, proceedings and meetings of the Board and the determination of the Board;
- (b) the execution of instruments and the mode of entering into contracts by or on behalf of the Board, and the proof of documents purporting to be executed, issued or signed by the Board, or an Officer or servant of the Service.
- (3) Until such regulation is made relevant sections of this Bill shall apply to regulate the quorum, proceedings, meetings and determination of the Board.
- (4) The Board may from time to time, by resolution, appoint, constitute, discharge, alter, continue or reconstitute any committee to advise the Board on such matters concerning the functions of the Service as it sees fit.
- (5) Any person may be appointed to be a member of a committee notwithstanding that he is a member of the Board.
- (6) Subject to any direction given by the Board every committee may regulate its own procedure (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

SCHEDULE II

(Section 7 (5))

NIGERIA AGRICULTURAL QUARANTINE SERVICE (NAQS) PARA-MILITARY RANKING

1. Inspector of Quarantine GL05
2. Inspector of Quarantine II GL06
3. Inspector of Quarantine I GL07
4. Assistant Superintendent of Quarantine (ASQ II) GL08
5. Assistant Superintendent of Quarantine (ASQ I) GL08
6. Deputy Superintendent of Quarantine (DSQ) GL09
7. Superintendent of Quarantine (SQ) GL10
8. Chief Superintendent of Quarantine (CSQ) GL12
9. Assistant Comptroller of Quarantine (ACQ) GL13
10. Deputy Comptroller of Quarantine (DCQ) GL14
11. Comptroller of Quarantine (CQ) GL15
12. Assistant Comptroller General of Quarantine (ACGQ) GL16
13. Deputy Comptroller General of Quarantine (DCGQ) GL17

14. Director General/Comptroller General of Quarantine (DG/CGQ)
- Other Ranks
1. Drivers
2. Cleaners
3. Clerical Staff GL01 - GL04
4. Security (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

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

Explanatory Memorandum:

This Bill seeks to establish the Nigeria Agricultural Quarantine Services for the purposes of preventing the entry, establishment and spread of foreign pests and diseases of plant, animal and aquatic resources products into the country and to promote sanitary and phytosanitary measures as it relates to import and export of agricultural products with a view to minimizing the risk to agriculture, food safety and the environment (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

Agreed to.

Long Title:

A Bill for an Act to Establish Nigeria Agricultural Quarantine Service and Other Matters Connected Therewith (*Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report on a Bill for an Act to Establish the Nigeria Agricultural Quarantine Service and for Other Related Matters (HB. 866) and approved Clauses 1 - 28, the Schedules, the Explanatory Memorandum, and the Long Title of the Bill.

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

- (ii) *A Bill for an Act to Amend the Weights and Measures Act, Cap. W3, Laws of the Federation of Nigeria, 2004 to Review Upwards the Fines Stipulated for Offences under the Act and for Other Related Matters (HB. 265) (Committee of the Whole):*

Order read; deferred by leave of the House.

- (iii) *A Bill for an Act to Confer Pioneer Status, Tariff Incentives and Income Tax Reliefs on Automobile and Automotive Components by the Federal Government to the Automobile and Enterprises Under the Nigeria Automotive Industry Development Plan and for Other Related Matters (HB. 896) (Committee of the Whole):*
Motion made and Question proposed, "That the House do consider the Report of the Committee of the Whole on a Bill for an Act to Confer Pioneer Status, Tariff Incentives and Income Tax Reliefs on Automobile and Automotive Components by the Federal Government to the Automobile and Enterprises Under the Nigeria Automotive Industry Development Plan and for Other Related Matters (HB.896) and approve the recommendations therein" (Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency).

Question agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO CONFER PIONEER STATUS, TARIFF INCENTIVES, INCOME TAX RELIEF ON AUTOMOBILE AND AUTOMOTIVE COMPONENTS AND TO PROVIDE FOR THE ASSURANCES AND GUARANTEES BY THE FEDERAL GOVERNMENT TO THE AUTOMOBILE AND TYRE ENTERPRISES, UNDER THE NIGERIA AUTOMOTIVE INDUSTRY DEVELOPMENT PLAN AND FOR RELATED MATTERS (HB. 896)

Clause 1: Objectives.

The objectives of this Bill are to:

- (a) develop a sustainable and competitive automotive industry in Nigeria.
- (b) create an environment to allow existing assembly plants to survive and attract other Original Equipment Manufacturers
- (c) create an environment to allow existing assembly plants to grow and continue to attract other Original Equipment Manufacturers in particular, local content suppliers
- (d) create an environment to revive the tyre industry
- (e) Institute incentives for the development of a Nigerian automotive component industry
- (f) the Automotive sector is a key component of the Nigeria Industrial Revolution Plan developed by government to diversify Nigeria's economy and revenues through industry and manufacturing
- (g) enable a sustainable Automotive Industry through the Nigeria Automotive Industry Development Plan and its progressive fiscal framework that encourages the formation of joint ventures between multinationals and local companies through foreign direct investments, to operate assembly plants in Nigeria, transfer progressive technology and skills and locally develop the required capabilities; and

- (h) attain such other objectives to promote a viable and sustainable Automotive Industry Development in Nigeria (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Clause 2: Institutions.

- (A) The Minister:

Functions and Powers of the Minister.

The Minister shall:

- (a) be responsible for the co-ordination of the activities of Automotive Industry Development and shall exercise general supervision over the restructuring in the industry;
- (b) report the development in the Automotive industry to the Federal Executive Council;
- (c) advise the Government on all matters pertaining to the Automotive industry;
- (d) on the advice of the National Automotive Council, make such regulations as maybe necessary or expedient for the purpose of achieving the objectives of this Bill, and in particular, without prejudice to the generality of the foregoing provisions:
 - (i) to effect control on safety of automobile and tyre products, pollution control and energy saving so as to promote implementation of the Automotive Industry Development Plan;
 - (ii) to adopt international verification for standards on automotive products;
 - (iii) may by order, amend, vary, add to or replace the first schedule. Any order made under this sub-section, shall be subject to the recommendation of the National Automotive Design and Development Council or its successor and subject to the approval of the President;
- (e) do all such things as are incidental and necessary to the performance of the functions of the Minister under this Bill.

- (B) National Automotive Design And Development Council.
The National Automotive Design and Development Council established under the provisions of the National Automotive Design and Development Council Act, Shall in addition to its functions therein, manage and implement the Nigeria Automotive Industry Development Plan (Fiscal, Incentives and Assurances) Act, under the Nigeria Automotive Development Plan [Cap N8] (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Clause 3: Pioneer Status.

- (a) The automobile and Automotive Components shall be regarded as pioneer enterprises within the provisions of the Industrial Development (Income Tax Relief) Act; [Cap. 17]
- (b) The provisions of the Industrial Development (Income Tax Relief) Act, shall apply to the automobile and tyre enterprises;
- (c) The business undertaken by the automobile manufacturing including tyre enterprises and their products are hereby declared as pioneer industries and pioneer products respectively;
- (d) For the purpose of this Bill, "production day" means the date of the first commercial delivery of automobile and automotive products to a purchaser of these products, upon which date the trade or business of the automobile and automotive components industry shall be deemed to commence for the purposes of the Company Income Tax Act [Cap C21] (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

Question that Clause 3 stand part of the Bill — Agreed to.

Clause 4: Income Tax Relief.

Notwithstanding the provisions of section 10 of the Industrial Development (Income Tax Relief) Act, the tax relief period of the automobile and automotive component industry shall commence on the production date of the automobile and automotive component industry and shall continue for a period of ten years subject to a 5 year mid-term review to ascertain the level of implementation of the Nigeria Automotive Industry Development Plan [Cap. 17] (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

Question that Clause 4 stand part of the Bill — Agreed to.

Clause 5: Tariff Re-Adjustment.

In accordance with the Nigeria Automotive Industry Development Plan, the Tariffs in the first Schedule to this Bill shall be the prescribed Tariffs for the purposes of this Bill. Tariffs will be reviewed and adjusted as and when required, in accordance with the terms of the schedule [First Schedule] (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

Question that Clause 5 stand part of the Bill — Agreed to.

Clause 6: Administration.

In order to facilitate customs administrations and make provisions for clear definitions of SKD CKD, and local content development import incentive program in terms of the Nigeria Automotive Industry Development Plan, the National Automotive Design and Development Council and the Tariff Technical Committee (TTC) shall provide for the dedication of chapter 98 in the Tariff Book. The NADDC shall be the custodian of VIN Numbers for integrity and accountability (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Clause 7: **Assurances and Guarantees.**

- (1) The Government hereby affirms its recognition of the need to create conditions for accelerated development of Nigeria's automotive industry, and grants assurance and guarantees that all Government's vehicle and vehicle component procurement shall be from local assembly plants, except such vehicles are of a specialised nature and hence cannot be produced in Nigeria.
- (2) The National Automotive Council shall be charged with ensuring compliance with the Federal Government's assurance under sub-section (1) of this section (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

Question that Clause 7 stand part of the Bill — Agreed to.

Clause 8: **Amendment of Laws.**

The laws specified in the second column of schedule 2 are hereby amended to the extent indicated in the third column thereof to provide for new matters brought about specifically by the implementation of the Nigerian Automotive Development Plan under this Bill [Second Schedule] (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

Question that Clause 8 stand part of the Bill — Agreed to.

Clause 9: **Interpretations.**

In this Bill, unless the context otherwise requires:

"Federal Government" means the government of the Federal Republic of Nigeria (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

"Minister" means the Minister in charge of Industry, Trade and Investment (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

"Ministry" means the Federal Ministry of Industry, Trade and Investment (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Question that Clause 9 stand part of the Bill — Agreed to.

Clause 10: **Short Title.**

This Bill may be cited as the Nigerian Automotive Industry Development Plan (Fiscal Incentives, Assurances and Guarantees) Bill, 2017 (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

Question that Clause 10 stand part of the Bill — Agreed to.

SCHEDULES

FIRST SCHEDULE

[Section 5]

TARIFF READJUSTMENT FOR THE AUTOMOTIVE INDUSTRY

Existing Assembly Plants and Original Equipment Manufacturers Measures to Create an Enabling Environment to Support

1. With effect from the 1st January, 2014:

- (i) Fully Built Units (FBU) cars falling under H.S Code 87.03 shall attract a duty of 35% and 35% levy;
- (ii) Fully Built Unit (FBU) Commercial vehicles falling under H.S Code 87.01 87.02, 87.04, 87.16, shall attract 35% duty without levy;
- (iii) All F'BU imports (except used vehicles) with Bill of Lading dated not later than 31st March 2014 and arrival date not later than 30th June 2014 will pay the old duty rate, irrespective of the dates of the opening of Form "m" and the Letter of Credit;
- (iv) Used vehicles will be imported at 35% duty without Levy till 30th June 2014, renewable as required by the Ministry/NADDC, to manage market conditions;
- (v) Fully Built units (FBU) agricultural Tractors under H.S Code 8701.9000.92, shall attract 0% duty without levy, until local capacity is ascertained by NAC;
- (vi) Local Assembly Plants shall import their:
 - (a) Completely Knocked Down (CKD) at 0% duty;
 - (b) Semi Knocked Down (SKD) at 10% import duty.
- (viii) All machinery and equipment imported for the purpose of vehicle assembly shall attract zero percent (0%) import duty and VAT free; and
- (ix) Local Assembly Plants shall import fully Built Unit (FBU) Cars at 35% duty and commercial vehicles at 20% without levy respectively in numbers equal to their imported CKD/SKD kit.

Duty Payable on Tyres

2. In order to revive the tyre industry, the following measures have been approved with effect from 1st January 2014:

- (a) Duty payable on tyres is now harmonised as below:
 - (i) Cars tyres H.S Code 4011.1000.00 -20% duty, 5% VAT, without levy;
 - (ii) Lorry/Bus tyres, H.S Code 4011.2000.00 - 20% duty, 5% VAT.
- (b) Importation of machinery and equipment for tyre production is now duty free and VAT free;

- (c) Pioneer Status is hereby given to all tyre plants; and
- (d) Local tyre manufacturing plants are to import tyres at 5% duty in numbers equal to twice their production for two years from the date of commencement of production.
3. To control under declaration of vehicle value to reduce duty paid;

- (a) the Nigerian Customs Service shall publish the price of new vehicles annually; and
- (b) to provide a transparent benchmark to determine the value of used vehicles, the Nigeria Customs Service shall use the value of a new vehicle depreciated by 10% per annum implying a ten (10) year period for cars and by 7% per annum implying a fifteen (15) year period for commercial vehicles. In either case, depreciation should never be below 30% of the value of the new vehicle equivalent.

4. Monitoring and Control of used and Grey Vehicle Imports:

All vehicle dealers and importers for sale to the public shall be licensed by the NADDC of Nigeria (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

SECOND SCHEDULE

LAWS AMENDED

Extent of Repeal

National Automotive Design and Development Council 2014

1. The amendment of section 3 to include the management and implementation of the Nigerian Industrial Automotive Development Plan

Industrial Development (Income Tax Relief Act)

The amendment of Section 10 to provide for a tax relief period of 10 years as contemplated under Section 4 of this Bill (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

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

Explanatory Memorandum:

This Bill seeks to confer Pioneer Status, Tariff Incentives, Income Tax Relief on Automobile and Automotive Components and to provide for the assurances and guarantees by the Federal Government to the Automobile and Tyre Enterprises under the Nigeria Automotive Industry Development Plan (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

Agreed to.

Long Title:

A Bill for an Act to Confer Pioneer Status, Tariff Incentives, Income Tax Relief on Automobile and Automotive Components and to Provide for the Assurances and Guarantees by the Federal Government to the Automobile and Tyre Enterprises, under the Nigeria Automotive Industry Development Plan and for Related Matters (HB. 896) (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report on a Bill for an Act to Confer Pioneer Status, Tariff Incentives and Income Tax Reliefs on Automobile and Automotive Components by the Federal Government to the Automobile and Enterprises Under the Nigeria Automotive Industry Development Plan and for Other Related Matters (HB. 896) and approved Clauses 1 - 10, the Schedules, the Explanatory Memorandum, and the Long Title of the Bill.

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

(iv) **Committees on Land Transport, Aviation, Ports, Harbours and Waterways, and Maritime Safety, Education and Administration:**

Motion made and Question proposed, "That the House do consider the Report of the Committees on Land Transport, Aviation, Ports, Harbours and Waterways, and Maritime Safety, Education and Administration on a Bill for an Act to Provide for the Establishment of the National Transport Commission as an Independent Multi-Modal Transport Sector Regulator for the Regulated Transport Industry and for Other Matters Connected Therewith (HB. 51) and approve the recommendations therein" (Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency).

Question agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NATIONAL TRANSPORT COMMISSION AS AN INDEPENDENT MULTI-MODAL TRANSPORT SECTOR REGULATOR FOR THE REGULATED TRANSPORT INDUSTRY AND FOR OTHER MATTERS CONNECTED THEREWITH (HB. 51)

PART I — PURPOSE, APPLICATION AND SCOPE OF THE ACT

Committee Recommendation:

Clause 1: Purpose of the Act.

(1) The purpose of this Bill is to:

- (a) establish the National Transport Commission as an independent multi-modal, transport sector economic, safety and standards regulator (in this Bill hereinafter referred to as the "Commission") for the regulated transport industry, to promote the implementation of the national transport policy, set out the objectives, functions and powers of the Commission and for matters connected therewith;
- (b) provide for an economic, safety and standards regulatory framework for the provision of transport related services in the regulated transport industry;

- (c) provide mechanism for monitoring compliance of government agencies and transport services providers and users in the regulated transport industry with relevant legislation and advice Government on matters relating to economic, safety and standards regulation of the regulated transport industry;
 - (d) provide for an efficient regulation of the regulated transport industry by a multi-modal transport sector economic, safety and standards regulator;
 - (e) ensure consumer protection and quality service in the provision of any transport services in the regulated transport industry in Nigeria; and
 - (f) create an enabling environment for private sector participation in the provision of services in the regulated transport industry.
- (2) The purpose of this Bill shall be achieved through —
- (a) the transmutation of Nigerian Shippers' Council into a National Transport Commission as set out in under section 1 (1) and the Third Schedule to this Bill; and
 - (b) the transfer of the Staff, employees, ownership of land, Assets, Properties, Rights, Debts, Liabilities, Obligations, Functions and Powers currently vested in the Nigerian Shippers' Council to the National Transport Commission as set out in the Third Schedule to this Bill (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

Committee Recommendation:

Clause 2: Application and Scope.

- (a) This Bill shall apply to the provision or use of transport and related services in marine, land, rail, road transport and any other mode of transportation of passengers and goods in the regulated transport industry in Nigeria.
- (b) Any private service provider or government agency using public or other infrastructure to provide transport services mentioned in paragraph (a) above (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

PART II — ESTABLISHMENT OF THE NATIONAL TRANSPORT COMMISSION

Committee Recommendation:

Clause 3: Establishment of the National Transport Commission.

- (1) There is hereby established an independent multi-modal transport sector economic, safety and standards regulator for the regulated transport industry in Nigeria to be known as the National Transport Commission (in this Bill referred to as "the Commission"), to promote the implementation of the national transport policy, set out the objectives, functions and powers of the Commission and for matters connected therewith.

- (2) The Commission shall be a body corporate with perpetual succession and a common seal, capable of suing and being sued in its corporate name, and shall have the power to do all and any of the following:
- (a) enter into contracts and incur obligations;
 - (b) acquire, hold, mortgage, purchase, sell, lease and deal howsoever with property, whether movable or immovable, real or personal for the purpose of this Bill;
 - (c) do and suffer all acts and things which a body corporate may by law do and suffer and which are necessary or convenient for the purposes of this Bill; and
 - (d) exercise all of the powers given to it under this Bill, do and suffer all acts and things which are necessary or convenient for carrying out its functions and duties under this Bill.
- (3) The Common Seal of the Commission shall be kept in the custody of the Commission's Secretary or Legal Adviser as the case may be.
- (4) The Commission shall be structured as may from time to time be deemed appropriate for the effective discharge of its functions and operations (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 3 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 4: Functions and Powers of the Commission.

- (1) The functions and powers of the Commission shall be as conferred by this Bill, relevant sector legislations and their subsidiary legislations.
- (2) The Commission shall —
- (a) issue, renew and cancellences and permits;
 - (b) approve and fix maximum fees for grant and renewal of licences and permits for the provision of transport services;
 - (c) ensure that users have equitable access to transport facilities, services, channels and routes while having regard to the level of competition in, and efficiency of, the regulated transport industry;
 - (d) monitor the performance of the regulated sectors in relation to —
 - (i) the setting and review of tariffs in cases of abuse of monopoly power or dominant position and anticompetitive behaviour by public and private transport service providers and operators,
 - (ii) the relationship between public transport service providers and their affiliates and the relationship between Licencees and their affiliates to ensure that no party derives unfair advantage over other transport service providers,

- (iii) the development of standards relating to the quality of transport services and facilities provided to users in Nigeria having regard to the international best practices, and
 - (iv) safety standards and guidelines;
 - (c) facilitate:
 - (i) effective competition, promotion and protection of a transparent and competitive market; free of unfair business conduct as well as ensure that the misuse of monopoly, or dominant market power is prevented,
 - (ii) the prevention or regulation of activities including price or rate fixing and discrimination, predatory pricing, conspiratorial pricing amongst some competitors or against others or against service users, as well as hoarding and other restrictive or exclusive contracts within the regulated transport sector, and
 - (iii) the financial viability of regulated transport industry and related services and facilitate the incentive for efficient long-term investment in Nigeria for the provision of transport services and facilities,
 - (f) examine and resolve complaints, objections and disputes between Government agencies and concessionaires, licensed service providers, users, shippers and consumers or any other person involved in the regulated transport industry, using such dispute-resolution mechanisms as the Commission may determine from time to time including mediation and arbitration;
 - (g) perform oversight safety role in respect of the day-to-day technical safety regulation by the public and private sector transport service providers and users in the regulated transport industry to ensure compliance with established standards and quality service delivery in accordance with the powers and duties conferred on the Commission by this Bill and sector legislations;
 - (h) implement Government's economic, safety, technical, environmental and standards regulatory policies on transport and execute all such other functions and responsibilities as are given to the Commission under this Bill and by sector legislation; and
 - (i) enforce regulatory provisions in this Bill and relevant legislation on the regulated transport industry including but not limited to legislations on ports, inland waterways, road and rail transport.
- (3) The Commission shall have the power to do all things required to be done for or in connection with the performance of its functions and to enable it to achieve its objectives under this Bill and under any relevant legislation.
- (4) The Commission shall at all times perform its functions and exercise its powers in such a manner as the Commission considers best to achieve the objectives of this Bill and any objective specified in any sector Legislation under which a regulated transport industry operates.

- (5) In the case of conflicts between this Bill and any other sector legislation on the functions and powers of the Commission, the provisions of this Bill shall prevail (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 4 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 5: Consultation.

- (1) This section applies to the Commission and to prescribed Agencies for the purpose of ensuring that —
- (a) the regulatory and decision making functions and powers of the Commission and prescribed Agencies are closely integrated and better informed; and
 - (b) overlap or conflicts between regulatory schemes are avoided.
- (2) The Commission may, as it deems fit, consult with a relevant prescribed Agency in —
- (a) the making of a determination;
 - (b) the conduct of an enquiry; or
 - (c) preparing and reviewing regulations and regulatory practices in the regulated transport industry in Nigeria.
- (3) If required to do so by the Commission, a prescribed Agency shall consult with the Commission in —
- (a) relation to any matter specified by the Commission which is relevant to the objectives or functions of the Commission under this Bill or under any other legislation; or
 - (b) respect of any matter specified by the Commission which may impact on a regulated transport industry.
- (4) A prescribed Agency must ensure that consultation occurs as early as practicable in the regulatory, advisory or decision making processes of the prescribed Agency.
- (5) The requirements under this section are in addition to any other requirements or processes under any other relevant legislation or regulatory schemes to the extent that such legislation is consistent with the provisions of this Bill. (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 5 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 6: Relationship between the Commission and the Ministry.

- (1) The Commission shall comply with and implement Government's policy on transport.

Provided always that the Commission shall at all times be independent in the performance of its functions and operations.

- (2) In the execution of his functions and in relating with the Commission, the Minister shall at all times ensure that the independence of the Commission, in regard to the discharge of the Commission's functions and operations under this Bill, is protected and not compromised in any manner whatsoever (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

PART III — MEMBERSHIP OF THE COMMISSION

Committee Recommendation:

Clause 7: Membership of the Commission.

- (1) Membership of the Commission shall comprise of —
- (a) Chairman who shall be the Chief Executive Officer (CEO) of the Commission;
 - (b) five Executive Commissioners; and
 - (c) Three Non-Executive Commissioners.
- (2) The Commission's Secretary.
- (3) Notwithstanding any other provision of this Bill, the President shall ensure at all times, that the Commission is duly constituted and that there is a minimum of 6 serving members of the Commission at any and all times, made up of —
- (a) the Chairman;
 - (b) three (3) Executive Commissioners; and
 - (c) two (2) non-executive Commissioners.
- (4) The supplementary provisions set out in the First Schedule to this Bill shall have effect with respect to the proceedings of the Commission and the other matters contained therein;
- (5) Subject to subsection (3) of this section, the Commission shall have the capacity to make standing orders for the regulation of its proceedings and meetings howsoever and acts of the Commission shall be deemed to be acts of the Commission.
- (6) In constituting the Commission, the President shall ensure that Membership of the Commission shall at all times reflect Federal Character Principle (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Amendment Proposed:

Insert a new subclause (1) (d) as follows:

"The Chairman and five Executive Commissioners in Clause 7 (1) (a) and (b) should represent the six geopolitical zones of the country" (Hon. Abdulrahman Shuaibu — Mubi North/Mubi South/Maiha Federal Constituency).

Question that the amendment be made — Agreed to.

Question that Clause 7 as amended, stand part of the Bill — Agreed to.

Committee Recommendation:**Clause 8: Qualification for Membership of the Commission.**

(1) The Chairman and Members of the Commission shall be persons of relevant qualification and cognate experience in any of the following fields —

- (a) law;
- (b) administration;
- (c) ports, marine, railway and roads management;
- (d) marine transport;
- (e) rail transport;
- (f) roads transport;
- (g) engineering;
- (h) economics;
- (i) transport and logistics;
- (j) finance.

(2) A person shall not be appointed or remain in office as a member of the Commission if he —

- (a) is not a Nigerian citizen;
- (b) is a serving Member of the National Assembly, State House of Assembly or any Local Government Council;
- (c) is incapacitated by any physical illness;
- (d) has been certified to be of unsound mind;
- (e) is an un-discharged bankrupt;
- (f) has been convicted in Nigeria or elsewhere of a criminal offence involving dishonesty; or
- (g) has at any time been removed from an office of trust on account of misconduct.

(3) The Conflict of Interests provisions contained in the Second Schedule to this Bill shall apply to all Members of the Commission (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 8 stand part of the Bill — Agreed to.

Committee Recommendation:**Clause 9: Appointment and Tenure of Commissioners.**

(1) Subject to subsection (4) of this section, the President shall nominate only persons qualified in accordance with section 8 of this Bill for appointment as members of the Commission;

- (2) The Chairman and Members of the Commission shall be appointed by the President subject to confirmation by the Senate.
- (3) The Chairman and other Members of the Commission shall serve for a term of 5 years from the date of appointment, at the expiration of which, the President may renew the appointment for a further period of 5 years and no more.
- (4) With the exception of the Chairman and Executive Commissioners, all Commissioners shall hold office on part time basis (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 9 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 10: Remuneration and Allowances.

The remuneration and allowances payable to the Chairman and Commissioners shall be as determined from time to time by the Revenue Mobilisation, Allocation and Fiscal Commission (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 10 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 11: Resignation of a Member of the Commission.

A Member of the Commission may resign his office by giving 3 months written notice addressed to the President (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 11 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 12: Removal of a Member of the Commission.

- (1) A Member of the Commission may be suspended or removed from office by the President if he —
 - (a) is found to have been unqualified for appointment as a member of the Commission pursuant to Section 8 of this Bill;
 - (b) has demonstrated inability to effectively perform the duties of his office;
 - (c) is guilty of serious misconduct in relation to his duties;
 - (d) is disqualified or suspended from practicing his profession in any part of the world by an order of a competent authority;
 - (e) it is in the public interest; or
 - (f) is in breach of the Conflict of Interests rules set out in the Second Schedule to this Bill.
- (2) A member of the Commission shall not be removed from office except in accordance with the provisions of this Bill (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

Committee Recommendation:**Clause 13: Vacancy on the membership of the Commission.**

(1) There shall be a vacancy in the Commission if a Commissioner —

- (a) dies; or
 - (b) is removed from office in accordance with sections 8 (2) or 12 (1) of this Bill; or
 - (c) resigns from office; or
 - (d) upon the completion of his tenure of office.
- (2) A vacancy in the Commission shall be filled by the appointment of another person to the vacant office by the President in accordance with section 8 (1) of this Bill, as soon as is reasonably practicable after the occurrence of such vacancy.
- (3) To ensure continuity, any person appointed in accordance with subsection (2) of this section shall hold office for a term of five (5) years from the date of his appointment at the expiration of which the President may renew his term for a further term of five (5) years and no more.
- (4) In the case of vacancy to the office of the Chairman, the President shall appoint the most senior Commissioner to act as Acting Chairman of the Commission to preside over the affairs of the Commission; and
- (5) In the case of inability of the Chairman for any reason to attend meetings of the Commission, the Commission shall appoint an Acting Chairman to preside over the meeting of the Commission (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

PART IV — MANAGEMENT AND STAFF OF THE COMMISSION**Committee Recommendation:****Clause 14: Chairman of the Commission.**

- (1) The President shall appoint a Chairman of the Commission who shall be the Chief Executive Officer (CEO) of the Commission, in accordance with the provisions of sections 8 and 9 of this Bill.
- (2) The Chairman shall hold office in accordance with the provisions of section 9 (2) of this Bill.
- (3) The Chairman shall be responsible for —
- (a) the execution of the policies and decisions of the Commission;
 - (b) the implementation of the Commission's regulatory, operational and control functions;
 - (c) the day-to-day administration, management and supervision of the activities of the Commission;
 - (d) matters concerning the accounts and records of the Commission; and

- (e) perform such other functions as may, from time to time, be assigned to him by the Commission.
- (4) The Chairman may delegate any of his powers or assign any of his duties to any Commissioner (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 14 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 15: Commissioners.

The Commissioners shall perform such functions as are assigned to them by the Commission or the Chairman from time to time (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 15 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 16: Commission's Secretary.

- (1) There shall be appointed by the Commission, a Commission's Secretary who shall be the Legal Adviser of the Commission with relevant and adequate professional qualifications and experience of not less than ten (20) years post qualification experience.
- (2) The Commission's Secretary shall keep the records of proceedings of the Commission and perform such other duties and functions as the Commission or the Chairman may, from time to time, assign to him (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 16 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 17: Staff of the Commission.

- (1) The Commission shall have powers to appoint such other persons as it deems necessary, as employees of the Commission in line with applicable Public Service Rules.
- (2) The employment of the staff shall be subject to such terms and conditions as may from time to time be stipulated by the Commission and contained in the respective staff's employment contracts.
- (3) The Commission shall develop and implement appropriate Staff Conditions of Service in line with Public Service Rules, for its employees, with particular regard to the issue of enumeration, pension schemes and other service benefits, sufficient for the Commission to attract and retained knowledgeable and expert manpower.
- (4) Subject to subsection (3) above, the Commission shall pay its employees such remuneration including allowances as the Commission may from time to time determine, subject to the approval of the National Salaries, Incomes and Wages Commission.
- (5) The Conflict of Interests provisions contained in the Second Schedule to this Bill shall apply to all employees of the Commission.

- (6) Upon the commencement of this Bill, relevant staff of Government Agencies in the regulated transport sector and the Road Sector with cognate experience and/or qualifications relating to Tariff setting, standards setting, regulation and enforcement may be absorbed by the Commission for continuation of their service carriers on the same cadre as they were before the absorption (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

Committee Recommendation:

Clause 18: Delegation.

The Commission may, by instrument under its Common Seal, delegate to —

- (a) a Commissioner; or
- (b) a person referred to in section 17 of this Bill; or
- (c) a member of a Department, Committee or Panel appointed or designated by the Commission, any function or power of the Commission under this Bill or the regulations or under any other relevant legislation other than this power of delegation or other powers of the Commission under section 4 (d) (1) or section 53 and 54 of this Bill (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

PART V — FINANCIAL PROVISIONS

Committee Recommendation:

Clause 19: Fund of the Commission.

- (1) The Commission shall establish and maintain a Fund ("the Commission's Fund") which shall be applied to defray all expenditure and costs incurred in the performance of the Commission's functions and operations.
- (2) The fund shall comprise of:
 - (a) initial and subsequent subvention as may from time to time be appropriated to the Commission by the National Assembly;
 - (b) a proportion of the proceeds from royalties collected by an authority empowered to collect royalty from transport service providers not exceeding 10% of what is collected from service providers concessionaires, leases and licensees etc., shall accrue to the Commission;
 - (c) all charges, levies, subscriptions and fees collected by the Commission under this Bill or its subsidiary legislation issued pursuant to this Bill;
 - (d) annual fees for licences and permits issued by the Commission.

- (2) For the purpose of economic regulation of the transport sector, all government agencies, parastatals, departments, government owned companies and corporations, service providers, private companies and all other entities whose operations and services are within the economic regulatory powers and control of the Commission including those that are used for the purpose of transportation of and related to electric power generation and distribution cables, refineries, water, cable car, tramp, water, oil and gas pipelines as well as other cables or pipelines used as a means of transporting goods and services, shall pay annual dues to the Commission in accordance with the approved Tariff.
- (3) (a) All subscriptions or fees and charges for services rendered by the Commission including 2% port development levy;
- (b) A charge of 3% freight (tariff stabilisation fee) on all import to and export from Nigeria including wet and dry cargo;
- (c) License and permit fees collected annually by the Commission;
- (d) Royalties accruing from issuance of licences and permits; and
- (e) Fines.
- (f) Registration fees collected annually by the Commission;
- (g) Gifts, loans, grants, aids;
- (h) all other assets that may from time to time be vested in or accrue to the Commission in the course of performing its duties under this Bill.
- (4) The Fund shall be managed in accordance with extant Financial Regulations applicable in the Public Service and rules made by the Commission (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 19 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 20: Application of Surplus Revenue.

Any excess of the Commission's revenue over its approved outgoings and charges for that year shall be remitted to the Consolidated Revenue Fund (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

Committee Recommendation:

Clause 21: Borrowing Powers, Gifts, etc.

- (1) The Commission may, with the prior consent of, or in accordance with the authority given by the Minister of Finance, borrow such sums of money or raise capital otherwise than from the Government as the Commission may require in the exercise of its functions under this Bill.

- (2) The Commission may accept gifts or grants of money or aid or other property from national, or bilateral and multi-lateral organisations and upon such terms and conditions, if any, as may be agreed upon between the donor and the Commission provided that the conditions are not inconsistent with the objectives and functions of the Commission under this Bill (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 21 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 22: Annual Reports.

The Commission shall prepare and submit to the National Assembly not later than four months after the preceding financial year, a report on the activities of the Commission for the preceding financial year and shall include the Commission's audited accounts for the year under review together with the auditor's report (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

Committee Recommendation:

Clause 23: Exemption from Taxation.

- (1) The Commission shall be exempted from the payment of tax on the income accruing from the investments made by the Commission or otherwise howsoever.
- (2) The provisions of any enactment relating to the taxation of companies or trust funds shall not apply to the Commission (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

Committee Recommendation:

Clause 24: Budget and Expenditure.

- (1) The Commission shall not later than 30th September in each financial year prepare and present through the Minister in-charge of Transportation to the National Assembly a statement of estimated income and expenditure for the following financial year.
- (2) Subject to subsection (1) of this section, the Commission shall apply the monies in the Commission's Fund for the —
- (a) payment of salaries, wages, fees, fringe benefits and other allowances, retirement benefits and any other remuneration payable to the Commissioners and staff of the Commission;
 - (b) administrative and operating costs of the Commission;
 - (c) purchase or acquisition of property or other equipment or other capital expenditure or for maintenance of any property acquired or vested in the Commission; and
 - (d) performance of all or any of the functions of the Commission under this Bill or in any other sector legislations and their subsidiary legislations legislation (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 24 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 25: Financial Year and Audit of Commission's Accounts.

- (1) The financial year of the Commission shall start on 1st January of each year and end on 31st December of the same year.
- (2) The Commission shall keep proper records of its accounts in respect of each year and shall cause its accounts to be audited within three (3) months from the end of each financial year by auditors whose appointment shall be approved by the Commission and shall be subject to reappointment on annual basis provided that such auditors are on the list of auditors approved from time to time by the Auditor-General of the Federation (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 25 stand part of the Bill — Agreed to.

PART VI — REGULATION OF TARIFFS

Committee Recommendation:

Clause 26: Regulation of Tariffs.

- (1) Notwithstanding the provisions of any other law, the Commission shall have overriding power to set, determine and regulate tariffs for or in respect of prescribed goods and services supplied by or within a regulated transport industry.

- (2) In this Section —

"prescribed goods and services" means any goods or services, or access to transport services and facilities, made, produced, supplied or provided by or within a regulated transport industry which goods or services are specified in the empowering instrument as being goods or services in respect of which the Commission has power to regulate tariffs;

"prescribed tariffs" mean the tariffs or tariff-range or particular factors used in tariff-fixing however designated for the provision, supply or sale of any prescribed goods and services within a regulated transport industry; and

"tariffs" include fees, price, dues, charges and rates.

- (3) In making a tariff determination, where necessary, the Commission shall adopt an approach and methodology to meet the objectives specified in this Bill and any relevant legislation and the Commission may regulate the tariff for prescribed goods and services in any manner that the Commission considers appropriate.
- (4) Without limiting the generality of subsection (3) of this section, the procedure for tariff determination may include —
 - (a) regulation of tariff;
 - (b) specifying pricing policies or principles;

- (c) where necessary, specifying an amount determined by reference to a general tariff index, the cost of production, a rate of return on assets employed or any other specified factor;
- (d) where necessary, specifying an amount determined by reference to quantity, location, period or other specified factor relevant to the rate or supply of the goods or services;
- (e) monitoring the tariff levels of prescribed goods and services; and
- (f) any other factor that the Commission considers relevant and which will best meet the objectives specified in this Bill and any relevant legislation (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

Committee Recommendation:

Clause 27: Approval of Tariffs or Charges by the Commission.

- (1) As from the commencement of this Bill, every transport service provider in the regulated transport industry shall file their tariffs or range of tariffs with the Commission for approval and shall not impose any tariffs, rates, levies or charges for the provision of any service unless such tariffs, rates, levies or charges are approved by the Commission under section 29 (2) (a) or as otherwise provided in this Bill.
- (2) Every regulated transport service provider shall provide services only at the rate approved by the Commission and shall not depart therefrom without a prior written approval by the Commission.
- (3) Every regulated transport service provider shall publish the tariff and rates charged to users for their respective services and the modifications thereto as may be approved from time to time by the Commission.
- (4) The tariff rates fixed by transport service providers shall be on the principles of fair and competitive trading and such other principles as the Commission may from time to time stipulate in its guidelines or regulations and shall have regard to:
 - (a) the particular and peculiar circumstances of the regulated transport industry and the prescribed goods and services for which the determination is being made;
 - (b) the costs of making, producing or supplying the goods or services;
 - (c) the cost of complying with relevant health, safety, environmental and social legislation applying to the regulated transport industry;
 - (d) the return on investment in the regulated transport industry;
 - (e) any relevant interstate and international benchmarks for tariffs, costs and return on assets incomparable industries;
 - (f) the financial implications of the determination for the regulated transport industry and regulated entities; and

- (g) any other factor that the Commission considers relevant and which will best meet the objectives specified in this Bill and any relevant legislation.
- (5) In exercising its powers under this Part, the Commission shall ensure that:
 - (a) the costs of regulation do not exceed the benefits;
 - (b) the decision takes into account and clearly articulates any trade-off between costs and service standards;
 - (c) tariffs are fair, reasonable and non-discriminatory; and
 - (d) tariffs are cost-oriented and in general, cross-subsidies are not permitted (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

Committee Recommendation:

Clause 28: Commission may prescribe Tariffs.

Notwithstanding the provisions of section 26 of this Bill, the Commission may intervene in such manner as it deems appropriate in determining and setting the tariff rates for any non-competitive services provided by any transport service provider in order to meet the objectives of this Bill or for reasons of national or public interest (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

Committee Recommendation:

Clause 29: Power to issue Regulation on Tariffs.

- (1) The Commission shall from time to time make rules or regulations on determination and publication of tariff rates for the prescribed services specified in Section 26 of this Bill.
- (2) The regulations and rules made by the Commission under subsection (1) of this Section may include —
 - (a) rules about the tariff and variation of tariff for specified services or class of services;
 - (b) rules about the publication or disclosure of tariff for specified or class of services; or
 - (c) range of tariff applicable to specified services or class of services (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

Committee Recommendation:

Clause 30: Penalty for Unauthorized Tariffs.

Notwithstanding any other provision of this Bill, the Commission shall prescribe and enforce appropriate penalties on any transport service provider who violates the tariff duly approved by the Commission for the provision of any of its services (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 30 stand part of the Bill — Agreed to.

PART VII — REGISTRATION

Committee Recommendation:

Clause 31: Requirement for Registration.

- (1) From the commencement of this Bill, no person(s) or body(s) shall operate or maintain a transport facility or provide transport related services in the regulated transport industry unless that person is duly licenced by the Commission to provide such transport related services in Nigeria.
- (2) The certificate under this section may be issued to a person or class of persons and every certificate shall be in such form and for such period and may contain such conditions as the Commission may determine.
- (3) The Commission may register any transport service provider subject to such conditions as may be imposed.
- (4) Any person who acts in breach of subsection (1) of this section shall on conviction be liable to —
 - (a) a penalty not less than ten times the relevant fee payable to the Commission in the first instance; or
 - (b) a fine not exceeding ten times the initial fee for the applicable registration;
- (5) The Commission shall from time to time publish for the general public the transport services that require registration.
- (6) Notwithstanding the provisions of any other law, the provisions of this Part shall apply to existing Government owned transport service operators and any other Government Agencies with the power to operate and provide prescribed transport services in Nigeria (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 31 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 32: Application for Registration.

- (1) Any person may, subject to the provisions of this Bill, apply to the Commission for a registration.
- (2) Any application for registration must be lodged in the prescribed manner.
- (3) The Commission shall specify the:
 - (a) kind of service in respect of which applications are invited;
 - (b) form in which applications may be submitted, including any fee payable upon submission of an application;
 - (c) manner in which the service must be provided;

- (d) place where and times when any application form or relevant document may be obtained from the Commission; and
 - (e) period within which such applications must be submitted.
- (4) The Commission may require an applicant for registration to submit to the Commission within the period specified by it and at the applicant's expense, such further information as may be necessary to consider the application.
- (5) Within a period of six weeks after receiving an application in accordance with subsection (1) of this section, the Commission shall:
- (a) issue a Registration licence subject to specified terms and conditions; or
 - (b) refuse to issue a Registration licence and give written reasons for such refusal.
- (6) In performing its function under this section, the Commission shall at all times be guided by the principles of and consideration for:
- (a) transparency, fairness and non-discrimination;
 - (b) efficient use and management of port and land transport facilities;
 - (c) development of indigenous capacity in ownership and provision of transport services;
 - (d) the need to promote fair competition and investment in the regulated transport industry;
 - (e) the need to provide modern, qualitative, and competitive transport services in Nigeria; and
 - (f) such other principles and considerations as the Commission may from time to time deem necessary and in the national interest (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 32 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 33: Recommendation from Government Agencies in Regulated Industry.

- (1) The Commission shall prior to the grant of registrations under this Part, refer the application to and obtain written recommendation on each application from the relevant Government Agency.
- (2) It shall be the duty of the Commission to ascertain that in making the recommendation under subsection (1) of this section, the guidelines and criteria for evaluation and selection issued by the relevant Government Agency have been strictly complied with (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 33 stand part of the Bill — Agreed to.

*Committee Recommendation:***Clause 34: Guidelines and Regulations on granting of Registrations.**

- (1) The Commission shall from time to time issue guidelines and regulations for granting of registrations.
- (2) All Government Agencies in a regulated transport industry shall submit to the Commission detailed guidelines and criteria used for evaluation and recommendation of qualified applicants, specifying, amongst others, the persons or classes of persons who are eligible generally to apply for registrations, the technical standard, the procedure for technical evaluation and the applicable terms and conditions for grant of the license by the Commission.
- (3) Each regulated transport sector Agency shall ensure that concession contracts, agreement or permits issued by it to service providers and users in the regulated transport industry are made subject to the registrations and licence to be issued by the Commission (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 34 stand part of the Bill — Agreed to.

PART VIII — ACCESS*Committee Recommendation:***Clause 35: Access.**

- (1) Consistent with regulations issued in that behalf by the Commission, every service provider in the regulated transport industry shall, subject to fulfilling requirement of this Bill, provide access to a significant infrastructure facility on fair and reasonable terms and conditions.
- (2) Before determining whether a facility is a significant infrastructure facility for open access, the Commission shall, among other considerations verify and ascertain that the facility is significant infrastructure facility within the meaning of sections 36 and 40 (2) of this Bill.
- (3) A person who is aggrieved by a requirement of the Commission under subsection 1 of this section or a decision of the Commission under this Part of this Bill may appeal against that requirement or decision to the Commission and such appeal shall be determined by the Commission in accordance with its extant regulations on appeals (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 35 stand part of the Bill — Agreed to.

*Committee Recommendation:***Clause 36: Application of this Part.**

This Part applies to channels, berths, terminals, anchorage, fairways, routes, jetties, bridges, stations, ports including dry ports, sidings, platforms, roads, rails, paths, walkways, cable cars, pipelines, tramps, tunnels, monorails, or any service facility as may be declared by the Commission (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 36 stand part of the Bill — Agreed to.

Committee Recommendation:**Clause 37: Provision of access.**

- (1) Subject to such exemptions as may be determined and published by the Commission, a service provider shall provide access to a significant infrastructure facility on fair and reasonable terms and conditions.
- (2) A service provider shall:
 - (a) explore all reasonable means within its disposal to meet the requirements of a person seeking access to a significant infrastructure facility; and
 - (b) make a formal proposal of terms and conditions for access within 10 working days of receiving a request or within such reasonable lesser period as may be determined by the Commission.
- (3) The terms and conditions of access may vary according to the actual and opportunity costs to the service provider or user (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 37 stand part of the Bill — Agreed to.

Committee Recommendation:**Clause 38: Determination on access.**

- (1) If a service provider has not made a formal proposal in accordance with section 37 (2) (b) of this Bill, the person seeking access may apply in writing to the Commission for the making of a determination in accordance with the provisions of this Bill.
- (2) If a service provider and a person seeking access cannot agree on the terms and conditions on which access is to be provided, the service provider or the person seeking access may apply in writing to the Commission for the making of a determination in accordance with this Part specifying the terms and conditions on which access is to be provided.
- (3) The Commission shall, within 14 days of receiving an application under subsections (1) or (2) of this section, give notice in writing to the person making the application or to any other person from whom the Commission is entitled to require information under this Bill specifying —
 - (a) any information that the Commission requires the person to give so that the Commission can make a determination; and
 - (b) a reasonable time within which the information must be provided.
- (4) The Commission shall not make a determination if the Commission considers that the making of a determination would substantially impede the existing right of access of another person unless that person has been given an opportunity to make a submission to the Commission in respect of the application.
- (5) A person who is bound by a determination may apply in writing to the Commission for the amendment or revocation of the determination on the ground that there has been a material change in circumstances.

- (6) Subject to subsections (7) and (8) of this section, the Commission shall determine an application under this Section within 21 days of receiving the application, excluding the period of time between the day on which notice is given under subsection (3) of this section and the day on which the required information is received by the Commission.
- (7) The Commission may extend the 21 day time limit in subsection (6) of this section for a period not exceeding 30 days if the Commission —
- (a) is unable to determine the application within the period of 21 days; and
 - (b) notifies the person seeking access and the service provider of the extension of time and the reasons why the Commission needs further time to determine the application.
- (8) The Commission may refuse to make a determination if —
- (a) the Commission considers that the application is without merit; or
 - (b) the Commission is satisfied that —
 - (i) the service provider has complied with the obligations under section 40 of this Bill;
 - (ii) the terms and conditions of access being offered by the service provider does not constitute taking advantage of a substantial degree of market power in the provision of the prescribed services; or
- (9) A person who is aggrieved by a decision of the Commission to refuse to make a determination under this section may apply to the Commission under section 85 seeking redress as if that decision were a determination for the purposes of section 81 of this Bill.
- (10) The costs of the Commission in making a determination under this section are to be paid by the non-prevailing party.
- (11) A determination under this section shall not be inconsistent with any relevant direction on tariffs (*Hon. Aminu Sani Isă — Isă/S. Birni Federal Constituency*).

Question that Clause 38 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 39: Hindering access.

- (1) A service provider or any person having access to a significant infrastructure facility shall not engage in any conduct having the purpose of hindering access by any other person in the reasonable exercise of a right of access.
- (2) A person who considers that his or her right of access has been hindered in contravention of subsection (1) of this Section may apply in writing to the Commission for the making of a determination in accordance with the provisions of this Bill.

- (3) If the Commission determines that there has been a contravention of subsection (1) of this Section, the Commission may make a determination that a person is entitled to access on such terms and conditions as are specified in the determination (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 39 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 40: Enquiry about a significant infrastructure facility.

- (1) The Commission may conduct an enquiry under the provisions of this Bill every 5 years or at any reasonable time as deemed necessary, commencing from the coming into force of this Bill to make a determination whether or not a facility that is declared to be a significant infrastructure facility has ceased to be such a facility.
- (2) For the purpose of this section, a facility is a significant infrastructure facility if —
- (a) there are no other alternative facilities;
 - (b) it would not be economically feasible to use another facility providing access to the same route;
 - (c) it would not be economically feasible to develop another facility providing access to the same route;
 - (d) access to the facility would promote competition in at least one market (whether or not in Nigeria) other than a market for using the facility;
 - (e) safe access to the facility can be ensured at an economically feasible cost; and
 - (f) any other matter which the Commission may consider relevant.
- (3) An enquiry under this Section shall be conducted in accordance with Part XII of this Bill (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 40 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 41: Application for determination on conditions for provision of access.

- (1) A service provider of a significant infrastructure facility may apply in writing to the Commission for the making of a determination under this Part approving the terms and conditions on which access to the facility is to be provided for the period specified in the determination.
- (2) The Commission shall, within 14 days of receiving an application under subsection (1) of this section, give notice in writing to the person making the application specifying —
- (a) any information that the Commission requires the person to give for the purpose of the determination; and
 - (b) a reasonable time within which the information must be provided.

- (3) The Commission shall determine whether to accept or refuse an application under this section within 21 days of receiving the application, excluding the period of time between the day on which notice is given under subsection (2) of this section and the day on which the required information is received by the Commission.
- (4) The costs of the Commission in making a determination under this section shall be borne by the service provider.
- (5) Section 42 of this Bill shall not apply whilst a determination under this section is in force unless the Commission finds that the determination deals with the matters that are in dispute (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 41 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 42: Commission may give directions in relation to a dispute.

- (1) The Commission, for the purposes of facilitating negotiations or determining a dispute under this Part, may require a person who is or was a party to the dispute to do or refrain from doing something, including:
 - (a) requiring a person to give relevant information or a document to one or more other persons identified by the Commission and copies to the Commission, subject to the provisions of this section;
 - (b) requiring a person to carry out reasonable research or investigations in order to obtain relevant information;
 - (c) prohibiting a person from imposing, or seeking to impose, an unreasonable procedural condition on the person's participation in negotiations;
 - (d) requiring a person to respond in writing to another person's proposal or request in relation to the time and place of a meeting;
 - (e) requiring a person, or a representative of a person, to attend a mediation conference.
- (2) For the purposes of subsection (1) (c) of this section "an unreasonable procedural condition" includes a requirement by one party that the other party or parties to the dispute must not disclose to the Commission information or a document provided in the course of negotiations.
- (3) A person who without lawful excuse fails to comply with any requirement made under this Section commits an offence and is liable on conviction to a fine of not less than ₦3,000,000.00 (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Amendment Proposed:

In subclause (3), immediately after the word "who", *leave out* the following words "without lawful excuse" (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

Question that the amendment be made — Agreed to.

Question that Clause 42 as amended stand part of the Bill — Agreed to.

Committee Recommendation:**Clause 43: Confidentiality Agreements.**

- (1) This section applies if —
 - (a) the Commission makes a requirement under section 42 (1) (a) of this Bill;
 - (b) the person in control or possession of the information or document ("the disclosing party") notifies the Commission in writing that the information or document is of a confidential or commercially sensitive nature; and
 - (c) the Commission notifies the person that the information or document shall still be required in accordance with section 42 (1) (a) of this Bill.
- (2) Where under subsection (1) (c) of this section, the Commission notifies the disclosing party that the information or document shall still be required in accordance with Section 42 (1) (a) of this Bill, the disclosing party may require the person receiving the information or document ("the receiving party") to enter into a confidentiality agreement.
- (3) The terms of a confidentiality Agreement may be proposed by the disclosing party and those Terms shall be promptly notified to the Commission and to the receiving party (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 43 stand part of the Bill — Agreed to.

Committee Recommendation:**Clause 44: Unreasonable confidentiality clauses.**

Where the Commission considers that the terms of the proposed confidentiality agreement are unreasonable, the Commission may request the parties to amend or delete those terms or substitute other terms (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 44 stand part of the Bill — Agreed to.

PART IX — APPLICATION FOR DEREGISTRATION**Committee Recommendation:****Clause 45: Application for Deregistration.**

- (1) Any person or service provider may subject to the provisions of this Bill, apply to the commission for deregistration;
- (2) Any application for deregistration shall be lodged in writing to the Commission;
- (3) The Commission shall:
 - (a) consider the application;
 - (b) make recommendations on the applicant's financial standing;

- (c) in the event the applicant is in any way indebted to the Commission, proceed against such an applicant to recover such monies, moveable and immoveable property or other items in the possession of the applicant and return same to the Commission;
 - (d) in the event, the applicant is not indebted to the Commission, the Commission shall deregister the person and have such name struck out from its register.
- (4) Nothing in this Bill shall prevent the Commission from deregistering any person or operator under these conditions:
- (a) death in the case of a natural person;
 - (b) having been declared bankrupt by a court of competent jurisdiction in the case of a corporate entity;
 - (c) winding up or dissolution of a corporate entity;
 - (d) in the interest of public policy; or
 - (e) failure to pay penalty for a period exceeding 60 days (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 45 stand part of the Bill — Agreed to.

PART X — OTHER REGULATORY POWERS

Committee Recommendation:

Clause 46: Oversight Function over Regulated Transport Industry.

- (1) The Commission shall exercise such powers including the power to make determinations for or with respect to:
- (a) licensing of all service providers and users operating in the regulated transport industry in Nigeria;
 - (b) market conduct;
 - (c) all items mentioned under section 4 of this Bill and other economic, safety and standards regulatory matters as may be conferred on the Commission by the empowering instrument.
- (2) In making a determination under this section, the Commission shall have regard to any:
- (a) factors specified in the empowering instrument; and
 - (b) other factors that the Commission considers relevant (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 46 stand part of the Bill — Agreed to.

Committee Recommendation:**Clause 47: Monitoring and Reporting.**

- (1) The Commission shall monitor all matters relating to the performance and compliance of all transport service providers with the provisions of this Bill and other applicable sector legislations and publish annual reports at the end of each financial year.
- (2) Matters upon which the Commission shall monitor and report include but not be limited to the following:
 - (a) the operation and administration of this Bill and all other subsidiary legislations;
 - (b) the quality of services rendered by service providers in the regulated transport industry;
 - (c) the tariffs, rates and charges paid by regulated transport services providers;
 - (d) anti-competition practices including cross-subsidies;
 - (e) the development of industry self-regulation;
 - (f) any deficiencies in the scope or operation of this Bill and its subsidiary legislation; and
 - (g) other matters which the Commission considers relevant.
- (3) The Commission shall publish the report, in the manner it deems appropriate, provided that it shall be made available to the public (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 47 stand part of the Bill — Agreed to.

Committee Recommendation:**Clause 48: Commission's Power on Competition Matters.**

- (1) Notwithstanding the provisions of any other law, the Commission shall have competence in relation to the regulated industry, to determine, pronounce upon, administer, monitor and enforce compliance of all persons with competition laws and regulations, whether of a general or specific nature, as such laws and regulations relate to the regulated transport industry including prohibition on anti-competition practices.
- (2) A transport service provider shall not engage in any conduct which has the purpose or effect of substantially lessening competition in any aspect of the regulated transport industry.
- (3) The Commission may from time to time publish guidelines and regulations on anti-competition practices in the regulated transport industry and such guidelines or regulations may include references to:
 - (a) types of or categories of anti-competitive practices which are prohibited;
 - (b) the relevant economic market;

- (c) global trends in the relevant market;
 - (d) the impact of the practice on the number of competitors in a market and their market shares;
 - (e) the impact of the practice on barriers to entry into the market and measures necessary to remove or reduce their impact;
 - (f) the impact of the practice on the range of services in the market;
 - (g) the impact of the practice on the cost and profit structures in the market;
 - (h) access to essential transport services and facilities on fair and non-discriminatory terms to all users in an equivalent position; and
 - (i) any other matter which the Commission considers relevant.
- (4) A transport service provider shall not enter into any understanding, agreement or arrangement, whether legally enforceable or not, which provides for —
- (a) tariff or freight fixing beyond the range set by the Commission;
 - (b) market sharing;
 - (c) cross-subsidy;
 - (d) boycott of another competitor;
 - (e) boycott of a supplier of apparatus or equipment; or
 - (f) boycott of any other transport service operator.
- (5) A transport service provider shall not, at any time or in any circumstance, make it a condition for the provision or supply of a product or service that the person acquiring such product or service be required to acquire or not to acquire any other product or service either from himself or from another person specified by him (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 48 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 49: Dominant Operator.

- (1) The Commission may determine that a transport service provider is in a dominant position in any aspect of the Nigerian transport sector.
- (2) The Commission may publish guidelines and regulations on the determination of "dominant position" for transport service providers.
- (3) The guidelines and regulations in subsection (2) of this Section shall specify the matters which the Commission may take into account, including:
 - (a) the relevant economic market;

- (b) global technology and commercial trends affecting market power;
 - (c) the market share of the transport service provider;
 - (d) the provider of prescribed service's power to independently set its rates;
 - (e) the degree of service or product differentiation and promotion in the market; and
 - (f) any other matter which the Commission may consider relevant.
- (4) The Commission may direct a transport service provider in a dominant position in the transport sector to cease any conduct in that market which has or may have the effect of substantially lessening competition in the transport sector and to implement appropriate recommendations (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 49 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 50: Authorisation for Specific Conduct.

- (1) A transport service provider may apply to the Commission prior to engaging in any conduct which may be construed to have the purpose or effect of substantially lessening competition in any aspect of the transport sector, for authorization for the conduct.
- (2) Notwithstanding the provisions of this Part, the Commission may authorize the conduct if the Commission is satisfied that it would be in the national interest to grant such authorization.
- (3) Prior to granting the authorization, the Commission may require the transport service provider to submit an undertaking regarding his conduct in any matter relevant to the authorization (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 50 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 51: Withdrawal of authorization granted by the Commission.

- (1) A transport service provider may withdraw an application made under subsection (1) of section 50 of this Bill at any time prior to authorization by the Commission.
- (2) An authorization granted by the Commission under subsections (2) or (3) of section 50 of this Bill, may only be withdrawn upon such terms and subject to such conditions as the Commission may specify.
- (3) The Commission shall maintain a register of current authorizations of conduct under this Part in accordance with Part XVII of this Bill (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 51 stand part of the Bill — Agreed to.

*Committee Recommendation:***Clause 52: Regulation relating to Agreements.**

- (1) Subject to subsection (2) of this section, the Commission may make regulations or rules under this Bill in respect of agreements between private sector transport service provider on one hand and between the Government and private sector transport service providers, on the other.
- (2) The Commission shall only make rules under subsection (1) of this section which are intended to prevent or mitigate:
 - (a) any conduct by the parties mentioned in subsection (1) of this section that will or is likely to lead to a substantial lessening of competition in any aspect of the regulated transport industry; or
 - (b) the misuse of market power in any aspect of the regulated transport industry (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 52 stand part of the Bill — Agreed to.

*Committee Recommendation:***Clause 53: Regulatory Powers Conferred by Sector Legislations.**

- (1) The Commission may exercise such powers as may be conferred by sector legislations, including the power to make determinations for or with respect to —
 - (a) licensing;
 - (b) standards and conditions of service;
 - (c) market conduct; and
 - (d) other regulatory matters.
- (2) In making a determination under this section, the Commission shall have regard to —
 - (a) any factors specified in the sector legislation; and
 - (b) any other factor that the Commission considers relevant.
- (3) In performing its regulatory function over the government agencies and service providers, the Commission shall —
 - (a) monitor government agencies and other service providers to ensure they comply with applicable safety and standards regulations; and
 - (b) receive and determine complaints from the public or any aggrieved party with respect to the performance or non-performance of the duties of any agency referred to in this section (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 53 stand part of the Bill — Agreed to.

*Committee Recommendation:***Clause 54: Power to make Regulations and Guidelines.**

- (1) The Commission may make and publish regulations for or with respect to any matter or thing required or permitted by this Bill and sector legislation to be prescribed or necessary to be prescribed to give effect to this Bill and sector legislation.
- (2) The regulations under subsection (1) of this section may in accordance with this Bill or sector legislation
 - (a) provide for industry specific economic, safety and standards regulations taking into consideration the peculiarities of the individual regulated sectors;
 - (b) regulate proceedings relating to appeals;
 - (c) provide for written authorisations, permits, licences and concessions in the regulated transport industry;
 - (d) specify fees, charges, rates or fines to be imposed;
 - (e) specify a system of national service obligation for un-served areas and underserved areas;
 - (f) provide for standards for quality of service;
 - (g) provide for related offences and penalties;
 - (h) any matter for which this Bill and sector legislation makes express provision; and
 - (i) such other matters as are necessary for giving full effect to the provisions of this Bill and sector legislation and for their due administration.
- (3) The regulations may —
 - (a) be of general or limited application;
 - (b) differ according to differences in time, place or circumstances;
 - (c) apply, adopt or incorporate with or without modification the provisions of any —
 - (i) act or the provisions of any subsidiary legislations under any of those Acts with respect to the regulated transport industry;
 - (ii) act or the provisions of any subsidiary legislations under any of those Acts, whether wholly or partially or as amended by the regulations or as in force or published at a particular time or from time to time,

- (iii) relevant documents, standards, rules specifications or methods formulated by, issued, prescribed or published by any Governmental Authority with the statutory powers to issue such documents; and
 - (d) leave any matter or thing to be from time to time determined, applied, dispensed with or regulated by the Commission.
- (2) The Commission may also make and publish Guidelines on any matter for which this Bill and sector legislations makes express provision and such other matters as are necessary for giving full effect to the provisions of this Bill and sector legislations and for their due administration.
- (3) The Commission shall ensure that regulatory decision making has regard to the relevant health, safety, environmental and social legislations applicable to the regulated transport industry (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 54 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 55: Power to Review guidelines and regulations.

Subject to subsection (2) of this section, the Commission may review, as at when it deems necessary, any rules, guidelines and regulations made under this Bill and sector legislations that are in effect at the time of the review and may modify, vary, or repeal any such rules or regulations —

- (1) which are no longer necessary for the purposes of this Bill and sector legislation;
- (2) for any other reason that the Commission deems appropriate (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 55 stand part of the Bill — Agreed to.

PART XI — DIRECTIVES

Committee Recommendation:

Clause 56: Issuance of Directives.

- (1) The Commission may, from time to time, issue directives or orders in writing to any person regarding the compliance or non-compliance with the provisions of this Bill, sector legislations and their subsidiary legislations or any licence conditions, including the remedy for a breach of the provisions of this Bill or its subsidiary legislations.
- (2) Before issuing a directive or order under subsection (1) of this section, the Commission shall issue a notice in writing to the person specifying the nature of compliance required and the person shall be granted an opportunity to be heard or may make a written submission within a reasonable time period specified in the notice on the reasons for his conduct or activity.
- (3) After the expiration of the notice specified in subsection (2) of this section, the Commission shall take into consideration any reasons provided by the person before making a decision in relation to the relevant conduct or activity of the person.

- (4) After due consideration of any reasons provided by the person, the Commission may issue a directive or order under subsection (1) of this section requiring the person to take specified action to prevent contravention or continued contravention of any of the provisions of this Bill, sector legislations and their subsidiary legislations.
- (5) The Commission shall give the person written notice of its directive or order not later than 30 days from the date the decision was made on the directive and the person shall comply with the directive or order issued by the Commission (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 56 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 57: Matters to consider in Issuing Directives.

- (1) The Commission may, when issuing a directive or order under this Bill, sector legislation and their subsidiary legislations in relation to prescribed services, have regard to the costs associated with any service related to the prescribed services if:
 - (a) the related service is necessary or essential to the provision of prescribed services;
 - (b) the related service cannot readily be provided by another service provider; and
 - (c) it is not feasible to charge a separate fee or price for the related service.
- (2) The Commission may when issuing a directive or order in relation to prescribed services have regard to related services required to meet the objectives of the relevant regulated transport industry sector including the provision of:
 - (a) ports, inland waterways, rails, roads and other infrastructure for the provision of transport services within the relevant regulated transport industry sector that is necessary for moving cargo and passengers to or from berthing facilities, rail and road transport stations, terminals, platform, sidings, short term storage facilities or cargo marshalling facilities;
 - (b) land infrastructure erected to satisfy safety, standards, security, planning, or environmental requirements;
 - (c) safety, security, emergency or environmental management services that are required by law;
 - (d) strategic planning for the transport facility; and
 - (e) the facilitation of trade through the relevant transport facility (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 57 stand part of the Bill — Agreed to.

Committee Recommendation:**Clause 58: Modification of Directives.**

- (1) The Commission may modify, vary or revoke a directive or order.
- (2) The procedure set out in section 57 of this Bill shall apply in respect of any modification, variation or revocation of a directive or order (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 58 stand part of the Bill — Agreed to.

Committee Recommendation:**Clause 59: Non-Compliance with Directives.**

A person who fails to comply with a directive of the Commission under this Part shall be liable to a fine not exceeding ₦20,000,000.00 and to a further fine not exceeding ₦2,000,000.00 or as may be reviewed by the Commission from time to time, for each day the contravention continues after service of the direction or order on it (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 59 stand part of the Bill — Agreed to.

Committee Recommendation:**Clause 60: Register of Directives.**

The Commission shall maintain a register of all directives issued by the Commission, including any written instruments modifying, varying or revoking a directive or order, in accordance with Part XVII of this Bill (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 60 stand part of the Bill — Agreed to.

PART XII — INQUIRY**Committee Recommendation:****Clause 61: Inquiry.**

- (1) The Commission may hold a public inquiry on any matter of a general nature that relates to the administration of this Bill or its subsidiary legislation if the Commission considers an inquiry is necessary or desirable for the purpose of carrying out its functions.
- (2) Subject to subsection (3) of this section, the Commission may hold a public enquiry under subsection(1) of this section:
 - (a) in response to a written request from a person; or
 - (b) on its own initiative, only if it is satisfied that the matter is of significant interest to either the public or to current or prospective transport service providers.
- (3) The Commission shall hold a public enquiry in all instances that it is mandatorily required to hold an enquiry under this Bill.
- (4) The Commission may combine two or more inquiries into a single enquiry and an enquiry under this Part shall be conducted as and when the Commission deems fit.

- (5) The Commission may, for the purposes of an inquiry, exercise any or all of its investigation and information-gathering powers under this Part and Part XIII of this Bill (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 61 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 62: Public Inquiry.

- (1) Where the Commission decides to hold a public enquiry, the Commission shall publish, in a national daily newspaper and on the internet notice of the enquiry.
- (2) The notice shall specify the:
- (a) purpose of the enquiry;
 - (b) period during which the enquiry is to be held;
 - (c) nature of the matter to which the enquiry relates;
 - (d) period, of at least 21 days, within which, and the form in which, members of the public are invited to make submissions to the Commission including details of public hearings;
 - (e) matters that the Commission would like the submissions to deal with; and
 - (f) address or addresses to which the submissions may be sent.
- (3) The Commission shall send a copy of any notice published under this section to every relevant person or body that the Commission considers should be notified.
- (4) The Commission shall consider all submissions received within the time limit as specified in the notice and the submissions made by the members of the public shall be as specified in the notice (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 62 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 63: Private Inquiry.

- (1) The Commission may determine that an enquiry or a part of an enquiry may be conducted in private if the Commission is satisfied that:
- (a) the documents or information that may be given, or a matter that may arise during the enquiry or a part of the enquiry, is of a confidential nature or commercially sensitive nature;
 - (b) it would be in the public interest; or
 - (c) the enquiry or part of the enquiry or a matter, or part of a matter, in public domain, would not be conducive to the exercise of its functions under this Bill.

- (2) If an enquiry takes place in public and the Commission is of the opinion that the:
- (a) evidence or other material presented to the enquiry; or
 - (b) material in written submissions lodged with the Commission is of a confidential nature, the Commission may direct that —
 - (i) the evidence or material should not be published; or
 - (ii) its disclosure be restricted.
- (3) A person shall not without an excuse that is considered reasonable by the Commission fail to comply with a direction under subsection (2) of this section.
- (4) Where an enquiry or part of an enquiry takes place in private, the Commission:
- (a) shall give a direction as to the persons who may be present at the enquiry or part of the enquiry; and
 - (b) may give a direction restricting the disclosure of evidence or other material presented at the enquiry or part of the enquiry.
- (5) A person who without reasonable cause fails to comply with a direction given under subsection (4) of this Section commits an offence and shall be liable on conviction to a fine of not less than ₦500,000.00 (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 63 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 64: Publication of Report.

- (1) (a) The Commission shall publish a final report setting out its findings from any enquiry it conducts and the report shall be published within 45 days of the conclusion of the inquiry.
- (b) Where it is not possible to publish the report within the time provided under paragraph (a) of this subsection, time may be extended by 14 additional days and no more.
- (2) The Commission shall not include in the report any material:
- (a) that is, in the opinion of the Commission, of a confidential nature; and
 - (b) the disclosure of which would likely prejudice the fair trial of a person.
- (3) If, in the opinion of the Commission, a final report will contain confidential or commercially sensitive information, the Commission shall divide the report into:
- (a) a document containing the confidential or commercially sensitive information; and

- (b) another document containing the rest of the report.
- (4) The Commission shall maintain a register of all reports made pursuant to an enquiry under this Part, in accordance with the provisions of this Bill (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 64 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 65: Conduct of Inquiry.

- (1) Subject to the provisions of this Bill, the Commission may conduct an inquiry in such manner as the Commission considers appropriate.
- (2) In conducting an inquiry, the Commission is not bound by rules or practice as to evidence, but may inform itself in relation to any matter in such manner as the Commission considers appropriate.
- (3) The Commission may receive written submissions or statements during an enquiry.
- (4) The Commission:
 - (a) shall hold at least one public hearing in case of a public inquiry; and
 - (b) has discretion as to whether any person may appear before the Commission in person or be represented by another person.
- (5) In conducting an inquiry the Commission may —
 - (a) consult with any person that it considers appropriate;
 - (b) hold public seminars and conduct workshops;
 - (c) establish working groups and task forces (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 65 stand part of the Bill — Agreed to.

PART XIII — INVESTIGATION AND POWERS OF ENTRY

Committee Recommendation:

Clause 66: Investigation.

Notwithstanding the provisions of any other law, the Commission shall investigate any matter pertaining to the administration of this Bill, and its subsidiary legislations, if the Commission has any ground to believe that an infringement, civil or criminal, of the provisions of this Bill, and its subsidiary legislations, was, is or will be committed (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 66 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 67: Complaint.

- (1) The Commission may conduct an investigation on a matter referred to in section 68 of this Bill upon a written complaint by a person, provided that the complaint shall specify the person against whom the complaint is made.

- (2) If a complaint has been made to the Commission under this section, the Commission may make inquiries of the respondent for the purpose of deciding whether the Commission should, in its discretion, investigate the matter.

- (3) If the Commission decides not to investigate or not to investigate further, a matter to which a complaint relates, it shall not later than sixty days from of receipt of the complaint and in such a manner as it deems fit, inform the complainant and the respondent of the decision and the reasons for the decision (Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency).

Question that Clause 67 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 68: Conduct of Investigation.

- (1) Before beginning an investigation of a matter to which the complaint relates, the Commission shall inform the respondent that the matter is to be investigated.

- (2) An investigation under this Part shall be conducted as the Commission considers appropriate and the Commission may, for the purposes of an investigation, obtain information from any person as it deems fit.

- (3) Subject to subsection (4) of this section, a complainant or respondent may, at the Commission's discretion, be given an opportunity to appear before the Commission in connection with an investigation.

- (4) The Commission shall not, as a result of the investigation, make a finding that is adverse to a complainant or a respondent unless it has given the complainant or respondent an opportunity to make written submissions about a matter to which the investigation relates within a time period of not less than 21 days.

- (5) The Commission shall consider the submissions made by the complainant or the respondent under subsection (4) of this section before making its decision.

- (6) After concluding an investigation, the Commission may prepare and publish a report which shall cover:

(a) the conduct of the investigation concerned;

(b) any findings that the Commission has made as a result of the investigation;

(c) the evidence and other material on which those findings were based; and

(d) such other matters relating to, or arising out of the investigation as the Commission thinks fit (Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency).

Question that Clause 68 stand part of the Bill — Agreed to.

Committee Recommendation:**Clause 69: Power to enter Premises.**

- (1) The Commission may in writing authorise any of its officials or appoint external inspectors on its behalf to exercise the powers of monitoring and enforcement vested in the Commission under this Bill, sector legislations and their subsidiary legislations;
- (2) The Commission may direct its authorised officials or appointed inspectors to investigate the activities of a transport service provider or other persons material to his compliance with this Bill, and its subsidiary legislations as the Commission deems necessary for the performance of its functions under this Bill, sector and its subsidiary legislations.
- (3) In exercising any of the powers specified in subsection (2) of this section and notwithstanding any other provision of this Bill, sector and subsidiary legislations an authorised official of the Commission or its appointed inspector:
 - (a) shall on demand produce to the person against whom he is acting, the authority issued to him by the Commission; and
 - (b) may at any reasonable time and without prior notice, enter the premises of any affected person or premises of a transport service provider and:
 - (i) inspect and make copies of or extracts from books, records, documents or other information storage systems; and
 - (ii) demand the production of and inspect the relevant licence, permit, certificate or authority; and
 - (c) shall obtain a Court warrant prior to the entry into the premises of any affected person who is not a transport service provider under the meaning of this Bill, sector legislations and their subsidiary legislations (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 69 stand part of the Bill — Agreed to.

PART XIV — COLLECTION AND USE OF INFORMATION**Committee Recommendation:****Clause 70: General Power to obtain Information and Documents.**

- (1) This section shall apply to any person who is subject to this Bill and its subsidiary legislations and who the Commission has reason to believe:
 - (a) has any information including accounts and records or any document that may assist the Commission in the exercise of the Commission's powers and functions under this Bill, sector legislations and their subsidiary legislations; or
 - (b) is capable of giving any evidence which the Commission has reason to believe is relevant to the exercise of the Commission's powers and functions under this Bill, sector legislations and their subsidiary legislations.

- (2) The Commission may, by written notice, direct any person who is subject to this Bill, sector legislations and their subsidiary legislations in relation to the information contemplated in subsection (1) of this section to:
- (a) give the Commission, within the period and in the manner and form specified in the notice, any such information,
 - (b) produce to the Commission, within the period and in the manner specified in the notice, any such documents, whether in a physical form or in electronic media; and
 - (c) make copies of any such documents and to produce those copies to the Commission within the period and in the manner specified in the notice.
- (3) The Commission shall allow the person so directed under subsection (2) of this section a reasonable time to give and to produce any information or documents specified in the notice.
- (4) Any person who is subject to this Bill, and its subsidiary legislations and who is required to provide information under subsection (2) of this section shall ensure that the information provided is true, accurate and complete and such person shall provide a representation to that effect, including a representation that he is not aware of any other information which would make the information provided false or misleading (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 70 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 71. Refusal to Provide Information.

- (1) A person who fails to disclose or omits to give any relevant information or evidence or document, or fails to comply with any request made by the Commission under this Part commits an offence and shall be liable on conviction to a fine of not less than ₦500,000.00.
- (2) Notwithstanding the provisions of Sections 70 of this Bill, and subsection (1) of this section, a person who is subject to this Bill and who provides information or evidence or document that he knows or has reason to believe is false or misleading, in response to a direction issued by the Commission, commits an offence and shall on conviction be liable to a fine of not less than ₦500,000.00 or to imprisonment for a term not exceeding one (1) year or to both such fine and imprisonment and if a company shall be liable to a fine of not less than ₦1,500,000.00.
- (3) A person shall not —
 - (a) threaten, intimidate or coerce another person; or
 - (b) take, threaten to take, incite or be involved in any action that causes another person to suffer any loss, injury or disadvantage because that other person complied, or intends to comply, with a requirement made under this section.

- (4) A person who contravenes the provision of subsection (3) of this section commits an offence and shall be liable on conviction to a fine of not less than ₦500,000.00 or to imprisonment for a term not exceeding 1 year or to both such fine and imprisonment.
- (5) A person is not liable in any way for any loss, damage or injury suffered by another person because of giving any information or a document to the Commission in good faith, under this section (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 71 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 72: Evidence of Compliance.

A person who is subject to this Bill and its subsidiary legislations shall, if at any time called upon in writing by the Commission to do so, produce to the Commission all such evidence and provide all such information as the person may have relating to his compliance with any of the provisions of this Bill, sector legislations and their subsidiary legislations as the Commission may generally, or in relation to any particular case, require (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 72 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 73: Compliance not a Breach of Duty.

Notwithstanding the provisions of any other law, a person who is a member or employee of a statutory body is not to be found guilty of an offence or to be in breach of a statutory duty by providing information or a copy of a document to Commission if the person provides information or a copy of a document to the Commission in compliance with a requirement under this section (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 73 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 74: Certified True Copies of Documents by Commission.

- (1) The Commission may take and retain for as long as is necessary, possession of a document produced under this Part; and
- (2) The person otherwise entitled to possession of the document is entitled to be supplied, as soon as practicable, with a copy certified by the Commission to be a true copy of the original.
- (3) Until a certified copy is supplied, the Commission shall, at such times and places as the Commission thinks appropriate, permit the person otherwise entitled to possession of the document, or a person authorised by that person, to inspect and make copies of, or take extracts from the document (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 74 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 75: Record and Publication of Information.

- (1) The Commission shall maintain a record of all information, evidence or documents received pursuant to the directions given under Section 70 (2) of this Bill.

- (2) The Commission may publish information received in the course of exercising its powers and functions under this Part if it is satisfied that the publication is consistent with the objects of this Bill and or its subsidiary legislations provided that the Commission shall consider the commercial interests of the parties to whom the information relates before publishing the information (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 75 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 76: Restriction on Disclosure of Confidential Information.

- (1) This section applies if —

(a) information or a document is given to the Commission under section 62, 68 and 70 respectively;

(b) at the time the information or document is given, the person giving it states that it is of a confidential or commercially-sensitive nature.

- (2) The Commission must not disclose the information or the contents of the document to any person unless:

(a) the Commission is of the opinion that:

(i) the disclosure of the information or document would not be detrimental to the person supplying it, or

(ii) although the disclosure of the information or document would not be detrimental to the person supplying it, the public benefit in disclosing it outweighs that detriment;

(b) the Commission is of the opinion, in relation to any other person who is aware of the information or the contents of the document and who might be detrimentally affected by the disclosure:

(i) that the disclosure of the information or document would not cause detriment to that person; or

(ii) that although the disclosure of the information or document would cause detriment to that person, the public benefit in disclosing it outweighs that detriment; and

(c) the Commission gives the person who supplied the information or document written notice:

(i) stating that the Commission wishes to disclose the information or contents of the document, specifying the nature of the intended disclosure and setting out detailed reasons why the Commission wishes to make the disclosure;

(ii) stating that the Commission is of the opinion required by subsection (2) (a) of this section and setting out detailed reasons why it is of that opinion.

- (d) if the Commission is aware that the person who supplied the information or document in turn received the information or document from another person and is aware of that other person's identity and address, the Commission gives that other person written notice:
 - (i) containing the details required by subsection (2) (c) of this section; and
 - (ii) stating that the Commission is of the opinion required by subsection (2) (b) of this Section in relation to him and setting out detailed reasons why it is of that opinion; and
 - (e) no notice of Appeal is lodged in respect of any notice given under subsections (2) (c) or (d) of this section within the time permitted under this section.
- (3) Any person who contravenes the provisions of this section commits an offence and shall on conviction be liable to a fine not less than ₦500,000.00.
- (4) Subsection (2) of this section shall not prevent the Commission from:
- (a) disclosing information or the contents of a document to —
 - (i) an employee employed under section 17 of this Bill;
 - (ii) a member of staff referred to in Section 17 of this Bill; or
 - (iii) a member of a unit, committee or panel acting under delegation by virtue of Section 17 of this Bill; or
 - (b) using information or a document for the purposes of an enquiry or investigation; or
 - (c) supplying the information or document to the members of any Appeal Panel hearing an Appeal in relation to the information or document.
- (5) Where an Appeal is lodged under section 87 of this Bill and the Appeal —
- (a) is withdrawn or dismissed, the Commission may disclose any information, or the contents of any document, that was the subject of the Appeal in the manner set out in the notice given under subsection (2) (c) of this section;
 - (b) is granted, the Commission may disclose anything that the Appeal Panel permits it to disclose under Section 89 of this Bill in the manner specified by the Appeal Panel.
- (6) For the purpose of this section, the disclosure of anything that is already in the public domain at the time the Commission wishes to disclose it cannot be detrimental to any person referred to in subsections (2) (a) or (2) (i) of this section (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 76 stand part of the Bill — Agreed to.

*Committee Recommendation:***Clause 77: Commission not to disclose exempt document.**

- (1) The Commission must not disclose to any person any document that it has obtained from any person or agency that is an exempt document under the Official Secrets Act, Cap. O3, Laws of the Federation of Nigeria, 2004 in the hands of the that person or agency.
- (2) The provision of subsection (1) of this section does not prevent the Commission from doing anything Specified in section 76 (4) of this Bill (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 77 stand part of the Bill — Agreed to.

*Committee Recommendation:***Clause 78: Financial and Business Records.**

- (1) A provider of prescribed services shall keep financial and business records in respect of:
 - (a) the provision of transport services, facility, channels or routes for use by the respective modes of transport that are separate from financial and business records for other prescribed services; and
 - (b) prescribed services that are separate from any financial and business records for other aspects of any business conducted by the provider of prescribed services.
- (2) The financial and business records shall be prepared and maintained in accordance with guidelines made by the Commission.
- (3) The provider of prescribed services shall make the financial and business records available to the Commission when required to do so by notice in writing given by the Commission.
- (4) A requirement under subsection (3) of this section shall identify the information or document required and shall specify:
 - (a) when the requirement shall be complied with;
 - (b) in what form the information or copy of the document is to be given to the Commission; and
 - (c) that the requirement is made under this Section.
- (5) A person who without lawful excuse fails to comply with any requirement made under this section commits an offence and is liable on conviction to a fine of not less than ₦500,000.00 (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 78 stand part of the Bill — Agreed to.

PART XV — RESOLUTION OF DISPUTES

Committee Recommendation:**Clause 79: Power to Resolve Disputes.**

- (1) The Commission shall have powers to resolve disputes between persons regarding any matter under this Bill, sector legislations and or their subsidiary legislations.
- (2) An attempt shall first be made by the parties to resolve any dispute between them through negotiation before the involvement of the Commission.
- (3) If one of the parties to the dispute has provided an undertaking that is relevant to the subject matter of the dispute and the Commission in accordance with part XVII has registered the undertaking, the parties may adopt the conditions of the undertaking for the purposes of resolving the dispute (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 79 stand part of the Bill — Agreed to.

Committee Recommendation:**Clause 80: Notification of Disputes.**

- (1) A party to a dispute may, in writing, notify the Commission of the dispute and the Commission may only resolve a dispute under this Part if it is notified in writing of the dispute and requested by either or both parties to intervene.
- (2) The Commission may publish guidelines setting out the principles and procedures that it may take into account in resolving disputes or a class of disputes under this Part.
- (3) Upon receipt of the notification of the dispute referred to in sub-section (1) of this section, the Commission shall, as soon as practicable, convene to resolve the dispute.
- (4) The Commission shall convene to resolve a dispute if it is satisfied that:
 - (a) an agreement will not be reached, or may not be reached within a reasonable time;
 - (b) the notification of the dispute is not trivial, frivolous or vexatious; and
 - (c) the resolution of the dispute would promote the objects of this Bill, or its subsidiary legislations (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 80 stand part of the Bill — Agreed to.

Committee Recommendation:**Clause 81: Resolution of Disputes by Commission.**

- (1) Subject to the objects of this Bill and its subsidiary legislations and any guidelines issued by the Commission under this Part, the Commission may resolve the dispute in such manner including Alternative Dispute Resolution mechanisms and upon such terms and conditions as it may deem fit.

- (2) In carrying out its functions under subsection (1) of this section, the Commission shall always be guided by the objective of establishing a sustained dispute-resolution process that is fair, just, economical and effective and that shall not be bound by technicalities, legal form or rules of evidence and that shall at all times act according to the ethics of justice and fair play and the merits of each case.
- (3) The terms and conditions of any determination of the Commission under this part shall state in writing and shall state the Commission's reasons and the Commission shall provide the parties to the dispute with a copy of its decision as soon as practicable.
- (4) The costs of the Commission in making a determination under this Part are to be borne by the non-prevailing party to the dispute (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 81 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 82: Register of Decisions.

- (1) The Commission shall register all decisions it makes under this Part in accordance with part XVII.
- (2) The Register shall contain:
 - (a) the names of the parties to the dispute;
 - (b) a general description of the matter pertaining to the decision; and
 - (c) the date of the decision, but not the terms and reasons for the decision (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 82 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 83: Enforcement of Commission's decisions.

- (1) The decision of the Commission shall be binding on the parties and the Commission may direct a party to a dispute to abide by the decision of the Commission in that dispute.
- (2) A decision made by the Commission under this Part may be enforced by the Court as if the decision is a judgment of such Court provided that the Commission has issued a certificate to the complainant for leave to proceed to the Court for the enforcement of the decision.
- (3) No certificate under subsection (2) of this section is required if the enforcement action is taken by the Commission under this section (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 83 stand part of the Bill — Agreed to.

PART XVI — REVIEW OF DECISIONS

*Committee Recommendation:***Clause 84: Request for Statement of Reasons.**

- (1) A person who is aggrieved or whose interest is adversely affected by any decision of the Commission made pursuant to the exercise of the powers and functions under this Bill, sector legislations and their subsidiary legislations may request in writing to the Commission for a statement of the reasons for the decision.
- (2) The Commission shall, upon such written request by an aggrieved person, provide a copy of a statement of reasons for the decision and any relevant information taken into account in making the decision.
- (3) The Commission is not required to publish, or to disclose to the aggrieved person, a statement of reasons or a part of a statement of reasons if the publication or disclosure would —
 - (a) disclose a matter that is, in the reasonable opinion of the Commission, of a confidential character;
 - (b) be likely to prejudice the fair trial of a person; or
 - (c) involve the unreasonable disclosure of personal information about any person (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 84 stand part of the Bill — Agreed to.

*Committee Recommendation:***Clause 85: Review of Decision by Commission.**

- (1) An aggrieved person may at any time within but not later than thirty days after the date of receipt of the Commission's statement of reasons specified in section 84 (2) of this Bill, request the Commission in writing for a review of the Commission's decision and specify therein the reasons and basis for his request.
- (2) Subject to subsection (4) of this section, upon receipt of the aggrieved person's written submissions the Commission shall meet to review its decision taking into consideration the submissions of the aggrieved person under subsection (1) of this section.
- (3) In carrying out the review of its decision under this Part, the Commission may use and exercise any of its powers under this Bill, sector legislations and their subsidiary legislations.
- (4) The Commission shall not later than thirty (30) days from the date of receipt of the aggrieved person's written submissions conclude its review of the decision and inform the aggrieved person in writing of its final decision thereon and the reasons (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 85 stand part of the Bill — Agreed to.

Committee Recommendation:**Clause 86: Judicial Review of Decision.**

- (1) Subject to section 85 of this Bill and subsections (2) and (3) of this section, an aggrieved person may appeal to the Court for a judicial review of the Commission's decision or other action.
- (2) The decision or direction of the Commission that is the subject matter of an application for judicial review shall subsist and remain binding and valid until it is expressly reversed, in a final judgment or Order of the Court.
- (3) A person shall not apply to the Court for a judicial review unless that person has first exhausted the provisions of section 85 under this Part (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 86 stand part of the Bill — Agreed to.

PART XVI — RIGHT OF APPEAL**Committee Recommendation:****Clause 87: Right of Appeal.**

- (1) A person who is aggrieved by a determination of the Commission may appeal against the determination in accordance with the provisions of this section.
- (2) Any person who is aggrieved or not satisfied with a decision of the Commission may apply to the Court for the determination of the matter (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 87 stand part of the Bill — Agreed to.

PART XVII — REGISTER AND UNDERTAKINGS**Committee Recommendation:****Clause 88: Register.**

- (1) The Commission shall maintain a register, in both paper form and electronic medium, of all matters that are required to be registered under this Bill and its subsidiary legislations legislation.
- (2) The Commission may, at its discretion, summarise the contents of a material for inclusion in the register and exclude aspects of the material if it considers such exclusion necessary and justified (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 88 stand part of the Bill — Agreed to.

Committee Recommendation:**Clause 89: Access to Register by Public.**

- (1) A person may, on payment of the prescribed fee, if any, to be determined by the Commission —
 - (a) inspect the Register; and
 - (b) make a copy of, or take extracts from the Register.
- (2) If a person requests that a copy be provided in an electronic medium, the Commission may provide the relevant information:

- (a) on a data processing device; or
 - (b) by way of electronic transmission.
- (3) The Commission shall from time to time publish Guidelines in regard to its various Registers giving details of the Registers and indicating access processes and procedures for members of the public (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 89 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 90: Registration of Agreements.

- (1) A party to a written agreement who is subject to this Bill and its subsidiary legislations shall apply to the Commission for the registration of the Agreement, if this Bill and its subsidiary legislations require such registration.
- (2) The Commission shall register the written Agreement if the Commission is satisfied that the Agreement is consistent with:
 - (a) the objects of this Bill;
 - (b) any relevant instrument under this Bill; and
 - (c) any relevant provisions of this Bill and its subsidiary legislations (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 90 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 91: Register of Agreements.

- (1) The Commission shall maintain a Register of all Agreements required to be registered under this Bill and its subsidiary legislations, in accordance with the provisions of this Part.
- (2) The Register shall contain:
 - (a) the names of the parties to the agreement;
 - (b) a general description of the subject matter of the Agreement; and
 - (c) the date of the Agreement but not the terms and conditions of the Agreement (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 91 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 92: Undertakings.

- (1) A person may provide an undertaking to the Commission regarding any matter for which this Bill makes express provision.

- (2) An undertaking provided by a person under subsection (1) of this section shall set out the terms and conditions of the undertaking and may include the effective date of the undertaking and the date of its expiration (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 92 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 93: Registration of undertakings.

- (1) The Commission shall maintain a register of all existing undertakings.
- (2) Subject to section 92 of this Bill, all undertakings given by any person to the Commission in any circumstance whatsoever shall be deemed as duly registered and shall remain valid and enforceable at all times (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 93 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 94: Rules on Undertakings.

- (1) The Commission may make and publish rules in respect of undertakings and the rules shall bind the party making the undertakings and all other persons relying on such undertakings as if they were respectively signed by each person and contained agreements on the part of each person for himself and for his successors to observe all the provisions of the rules.
- (2) The Commission may direct a person referred to in subsection (1) of this section to comply with the rules made under subsection (1) of this section and any registered undertakings issued under this Part (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 94 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 95: Withdrawal of undertakings.

A person providing an undertaking may apply to withdraw the undertaking at any time by notifying the Commission in writing and the undertaking shall only be withdrawn upon such terms and subject to such conditions as the Commission may specify (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 95 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 96: Enforcement of undertakings.

The Commission or a person directly affected may apply to a Court for the enforcement of an undertaking against the person providing the undertaking if an undertaking has not been complied with (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 96 stand part of the Bill — Agreed to.

PART XVIII — OFFENCES AND JURISDICTION

*Committee Recommendation:***Clause 97: Offences by persons or corporate bodies.**

If a person or corporate body commits an offence under this Bill and its subsidiary legislations, a person who at the time of the commission of the offence was a director, chief executive officer, manager, secretary or other similar officer of the company or was purporting to act in any such capacity or was in any manner or to any extent responsible for the management of any of the affairs of the company or was assisting in such management —

- (a) may be charged severally or jointly in the same proceedings with the company; and
- (b) if the company is found guilty of the offence, shall be deemed to be guilty of that offence unless, having regard to the nature of his functions in that capacity and to all circumstances, he proves —
 - (i) that the offence was committed without his knowledge, consent or connivance, and
 - (ii) that he had taken all reasonable precautions and exercised due diligence (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 97 stand part of the Bill — Agreed to.

*Committee Recommendation:***Clause 98: General offences and penalties.**

- (1) A person who contravenes any provision of this Bill or any regulation made under this Bill, where no specific penalty is prescribed in this Bill or its subsidiary legislation, shall —
 - (a) as a first offender, be liable to a fine not less than ₦500,000.00 or to imprisonment for a term not less than one (1) year or to both such fine and imprisonment; and
 - (b) for subsequent convictions, be liable to a fine not less than ₦1,500,000.00 or to imprisonment for a term not less than three (3) years or to both such fine and Imprisonment.
- (2) The Commission may by regulations make further provisions for offences and penalties and for the adjustment of fines and penalties imposed under this Bill and its subsidiary legislations in order to reflect prevailing economic realities and such shall become effective upon publication in the Federal Gazette (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 98 stand part of the Bill — Agreed to.

*Committee Recommendation:***Clause 99: Personal Liability.**

A Commissioner or any employee or a member of a committee or panel acting under a delegation under section 18 of this Bill is not personally liable for anything done or omitted to be done in good faith -

- (a) in the exercise of a power or the performance of a function under this Bill or any relevant legislation; or
- (b) in the reasonable belief that the act or omission was in the exercise of a power or the performance of a function under this Bill or any relevant legislation (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 99 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 100: Disclosure of Information is an Offence.

- (1) A person must not disclose any confidential or commercially-sensitive information obtained during the exercise of a power or the performance of a function under, or in connection with, this Bill or any relevant legislation.
- (2) A person must not use any such information to obtain directly or indirectly any pecuniary or other advantage for himself or any other person.
- (3) Any person who without lawful excuse contravenes subsections (1) and (2) of this section commits an offence and on conviction is liable to a fine of not less than ₦500,000.00.
- (4) A person may disclose or use such information if:
 - (a) the disclosure or use is made in the exercise of a power or the performance of a function under, or in connection with, this Bill or any relevant legislation; or
 - (b) the person has the consent of the person who supplied the information; or
 - (c) the disclosure or use is made in legal proceedings at the direction of a Court; or
 - (d) the information is in the public domain at the time it is disclosed or used.
- (5) Subsection (4) of this section shall not interfere with any rights which another person may have with regard to the disclosure or use of the information (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 100 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 101: Enforcement Orders.

The Commission may apply to the Court for an injunction or declaration or both in respect of an order or direction served by the Commission under this Bill and its subsidiary legislations (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 101 stand part of the Bill — Agreed to.

Committee Recommendation:**Clause 102: Proceedings against Commission.**

- (1) No proceedings may be brought in respect of a determination or direction other than on the grounds that —
 - (a) there was no power to make the determination or direction; or
 - (b) that the procedural requirements in relation to the making of the determination or direction have not been complied with (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 102 stand part of the Bill — Agreed to.

Committee Recommendation:**Clause 103: Limitation of Suits Against the Commission.**

- (1) Subject to the provisions of this Bill, the provisions of the Public Officers Protection Act, Cap. P41, Laws of the Federation of Nigeria, 2004 shall apply in relation to any suit or action instituted against an official or employee of the Commission in any court.
- (2) Notwithstanding the provisions of any other laws, and subject to section 66 of this Bill, no Suit shall lie against the Commission or a Commissioner, or employee of the Commission for any act or omission done in pursuance or execution of this Bill and its subsidiary legislations or be instituted in any Court unless it is commenced —
 - (a) within three months next after the act, neglect or default complained of; or
 - (b) in case of a continuation of damage or injury, within six months next after the ceasing thereof (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 103 stand part of the Bill — Agreed to.

Committee Recommendation:**Clause 104: Restriction on Execution against the Commission.**

- (1) In an action or a suit against the Commission, no execution or attachment process in any nature thereof shall be issued against the Commission unless not less than 3 months' notice of the intention to execute or attach has been given to the Commission.
- (2) Any sum of money which may by the judgment of any court be awarded against the Commission shall, subject to any direction given by the court, where no notice of appeal against the said judgment has been given, be paid from the fund of the Commission (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 104 stand part of the Bill — Agreed to.

Committee Recommendation:**Clause 105: Indemnity of Commission's officials.**

A Commissioner, the Secretary or any official or employee of the Commission shall be indemnified out of the assets of the Commission against any liability incurred by him in defending any proceeding, whether civil or criminal, if the proceeding is brought against him in his capacity as Commissioner or employee of the Commission and he was acting at all times in good faith within the scope of his office (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 105 stand part of the Bill — Agreed to.

PART XIX — MISCELLANEOUS**Committee Recommendation:****Clause 106: Transitional provisions.**

- (1) On the commencement of this Bill, the Nigerian Shippers' Council, established by the Nigerian Shippers' Council Act, Cap. N133, Laws of the Federation of Nigeria, 2004 shall cease to exist and all properties, rights, liabilities, functions and powers thereto shall by virtue of this section be vested in the Commission.
- (2) Subject to subsection (3) of this section, any act, or matter made or done by the - Nigerian Shippers' Council, established by the Nigerian Shippers' Council Act, Cap. N133, Laws of the Federation of Nigeria, 2004; before the commencement of subsection (1) of this section shall continue to have effect as if it was done by the Commission.
- (3) The provisions of this Bill shall have effect with respect to matters arising from the transfer by this section to the Commission of the Staff, properties, rights, liabilities, functions and powers of the Nigerian Shippers' Council, established by the Nigerian Shippers' Council Act, Cap. N133, Laws of the Federation of Nigeria, 2004; and with respect to the other matters mentioned in the Third Schedule to this Bill (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 105 stand part of the Bill — Agreed to.

Committee Recommendation:**Clause 106: Repeals and Consequential Amendments.**

- (1) Any provision of any existing laws with respect to the economic, safety and standards regulation of the regulated transport industry in Nigeria in whatever form that is inconsistent with the provisions of this Bill is hereby repealed in so far as it affects matters under this Bill and in particular as set out in the Fourth Schedule to this Bill.
- (3) The provisions of the Utilities Charges Commission Act, Cap U17 Laws of the Federation of Nigeria, 2004 shall not apply to anything done by the Commission pursuant to the provisions of this Bill.
- (4) The Federal Highways Act, Cap. F13, Laws of the Federation of Nigeria, 2004 is amended as follows -

(a) in Section 2 —

- (i) in subsection (2) by inserting the words "at the tariff rate approved by the National Transport Commission" immediately after the words "subsection (1) of this section";
- (ii) in subsection (3) by inserting the words "at the tariff rate approved by the National Transport Commission" immediately after the words "category of vehicles"; and
- (iii) by inserting the following as new subsection (4) thereof —
 - "(4) Notwithstanding the provisions of this Bill, the Authority charged with the responsibility for Federal Highways shall obtain a licence from the National Transport Commission and shall operate under the economic regulation and oversight powers of the National Transport Commission;
- (iv) in subsection (5) by inserting the words "and the National Transport Commission Act, 2016" immediately after the words "this Bill" (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Question that Clause 106 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 107: Interpretation.

In this Bill unless the context otherwise requires —

"access" means the making available of transport services and facilities by one licenced service provider to another, by a licenced service provider to another lawful user for the purpose of providing services, and includes access to physical infrastructure including terminals, stations, tunnels, bridges, routes, roads, rail, cable car, pipelines, tramps, cargo handling equipment and any other means of providing transport related services (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

"Agreement" means an agreement, whether formal or informal, written, express or implied (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

"Authorities" means relevant Government Agencies (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

"Commission" means the Commission of Commissioners established under Section 9 of this Bill (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

"cargo" includes any substance or article and any container or other item used to contain any substance or article (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

"Chairman" means a Commissioner who is appointed to chair the Commission of the National Transport Commission and includes any acting Chairman of the Commission (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

"Chief Executive" means the Chief Executive of the National Transport Commission and includes any person acting in that capacity (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

"Commission" means the National Transport Commission and/or body of Commissioners established under the National Transport Commission Bill 2016 (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

"Commissioner" means any person appointed under section 9 of this Bill (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

"Consolidated Revenue Fund" means the Fund established by section 80 of the Constitution of the Federal Republic of Nigeria 1999 (as amended) (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

"Concession" means an arrangement between a Government Agency and another person or corporate body, to provide transport service(s) or operate transport facilities in accordance with the empowering legislation and "concessional" agreement (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

"Concessionaire" means a holder of a concession or grant approved by a Government Agency to provide transport related services or to operate a transport facility under the concession agreement (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

"Consumer" or "User" means any person who uses transport services or facilities (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

"Council" means the Federal Executive Council of the Federal Republic of Nigeria (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

"Court" means Federal High Court of Nigeria (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

"Directives" means a directive issued by the Commission under Part VII of this Bill (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

"Economic, Safety and Standards Regulation" means the exercise by the Government through the Commission, both directly or indirectly, of control and influence over providers of transport related services to consumers and covers both privately and publicly owned providers and seeks to protect the interests of public consumers (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

"Empowering Instrument" unless otherwise specified in this Bill means the regulated transport sector legislation (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

"Equipment" or "Facility" includes any equipment or apparatus or facility, machinery or system used or intended to be used for the provision of transport services and facilities (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

"Exclusive Economic Zone" has the meaning given to it under the Exclusive Economic Zone Act, Cap E17, LFN 2004 (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

"Federal Government" means the Government of the Federal Republic of Nigeria (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

"ICRC" means Infrastructure Concession Regulatory Commission (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

"Instrument" includes a directive, determination or declaration (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

"Land Transport" includes rail and road transportation modes (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

"Licence" means an authorization from the Commission to provide a transport service or operate a port, inland waterways services or road facility, issued under this Bill and "licensed" must be interpreted accordingly (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

"Licensee" means a holder of a licence or undertakes activities which are subject to a licence granted under this Bill (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

"Licenced Service Provider" means a person licenced to provide a transport service or operate a port, rail, road or waterways facility (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

"Maritime Transport" includes shipping, ports, inland waterways and all forms of transportation services in Nigerian waters (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

"Minister" means the Federal Minister for the time being charged with the responsibility for maritime, rail and road transports respectively (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

"Ministry" means the Federal Ministry for the time being charged with the responsibility for maritime, rail and road transports respectively (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

"Nigerian Waters" shall include inland waters, territorial waters or waters of the Exclusive Economic zone (respectively, together or any combination thereof) and the meaning given to them by the National Inland Waterways Authority Act, Cap N47, Laws of the Federation of Nigeria, 2004 (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

"operator" means a person who owns the business of, or is responsible for the management and operations of ports, any maritime transport facility, rail and road or any land transport facilities pursuant to a valid concession or licence (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

"owner" means the legal or beneficial owner (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

"person" includes a natural or corporate body or partnership and where an individual is required to represent a corporate body or partnership in any circumstance pursuant to this Bill or its subsidiary legislation it shall be sufficient if in the case of a —

- (a) corporate body, it is represented by its competent officer, and
- (b) partnership, it is represented by a partner in the partnership or a competent employee of the partnership (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

"port" means any place in Nigeria, navigable river or channel, inland waterways, or any such water leading into such place having facilities for ships or other vessels to moor and load or discharge including seaports, offshore cargo handling facilities, inland ports, inland dry ports, container freight stations, harbour, berths, jetties, pontoons or buoys and wharves within Nigerian waters (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

"premises" includes houses, buildings, structures, lands, tenements, easements and hereditaments of any tenure, whether open or enclosed, whether built on or not, whether public or private, and whether maintained or not under statutory authority (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

"prescribe" means a rule, direction, or order laid down, approved or given by this Bill or by its subsidiary legislation or regulations or any relevant legislation (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

"prescribed agency" means a person, body or agency which —

- (a) has functions or powers under relevant economic, safety and standards regulation and standards as well as legislation applying to a regulated transport industry;
- (b) is prescribed by the enabling legislation for the purposes of this Bill, and
- (c) is listed as a prescribed agency under the Fourth Schedule to this Bill (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

"prescribed tariff" means tariff specified in this Bill (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

"prescribed services" means the services specified in this Bill (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

"President" means the President of the Federal Republic of Nigeria (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

"property" means any legal or equitable estate or interest (whether present or future and whether vested or contingent) in real or personal property of any description (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

"publication" of any information by the Commission pursuant to this Bill or its subsidiary legislation, except otherwise specified in any particular section of this Bill, shall be deemed as sufficiently effected if it is posted at the Commission's website and published in at least one widely circulating national newspapers (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

"publication" of any information by a licensee pursuant to this Bill or its subsidiary legislation, except otherwise specified in any particular section of this Bill, shall be deemed as sufficiently effected if it is —

- (a) officially sent to the Commission; and
- (b) made publicly and readily available to any member of the public at the licensee's offices that deal with or relate howsoever with its consumers, and
- (c) if the Commission so directs, published in at least one national newspaper (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

"register" means any one of the registers established or maintained by the Commission for the purposes of this Bill (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

"regulations" means regulations made pursuant to this Bill (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

"regulated transport industry" means maritime, inland waterways, ports, railways, roads, routes, facilities, channels and other modes of transportation of goods and passengers and any other sector which provides a regulated transport service in Nigeria or operating under a relevant legislation which is specified by that legislation as a regulated transport industry (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

"regulated service" means any maritime, rails, roads, channels, berths, terminals, anchorage, fairways, routes, jetties, bridges, stations, ports including dry ports, sidings, platforms, paths, walkways, cables, pipelines, tramps, tunnels, monorails, or any service facility as may be declared by the Commission (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

"tariff" or "charges" or "rates" includes port, station, terminal dues, goods dues and pilotage dues and other charges levied by transport service providers (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

"terminal" means infrastructure, cargo-handling equipment, sheds and other land-based structures used for the loading, storage and discharging of cargo or the embarkation and disembarkation of passengers (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

"terminal infrastructure" means terminal buildings, workshops, substations, surfacing, rail sidings and other structures required for terminal operations including water, lights, power, sewerage, telecommunications and similar services within terminal boundaries (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

"terminal operations" means services provided at a port, rail or road terminal or station including cargo handling, storing and delivery of cargo to vessels, rail and vehicles, handling of passengers howsoever and services related thereto (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

"this Bill" means the National Transport Commission Bill 2016, and includes the regulations made under this Bill (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

"road transport" means Federal roads as designated by the Government and all types of transportation services on Federal road network (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

"transport services" include stevedoring, cargo handling, terminal or jetty operations, storage of cargo and passenger transportation within a port, rail station terminal or road vehicle station or terminal including tug services, floating crane services, berthing or landing services, fire fighting, security, radio and radar services, waste disposal, repair facilities and any other services provided within a port, station and terminal (*Hon. Aminu Sani Isa – Isa/S. Birni Federal Constituency*).

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

"transport services and facilities" include transport services, terminal or port infrastructure and other port, rail and road terminal services and facilities for the handling, storage and transportation of goods and passengers over water or on land adjoining the fore shore of Nigeria or a floating platform and for the handling of passengers carried by vessels, rail or road; and (*Hon. Aminu Sani Isa – Isa/S. Birni Federal Constituency*).

Question that the meaning of the words "transport services and facilities" be as defined in the interpretation to this Bill — Agreed to.

"Transport service providers" includes any Government Agency or private person providing transport related services and shall include all operators in the regulated transport industry (*Hon. Aminu Sani Isa – Isa/S. Birni Federal Constituency*).

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

Question that Clause 107 stand part of the Bill — Agreed to.

Committee Recommendation:

Clause 104 – Short Title.

This Bill may be cited as the National Transport Commission (Establishment, etc.) Bill, 2017 (*Hon. Aminu Sani Isa – Isa/S. Birni Federal Constituency*).

Question that Clause 108 stand part of the Bill — Agreed to.

SCHEDULES

FIRST SCHEDULE

[Section 7(2)]

SUPPLEMENTARY PROVISIONS RELATING TO THE COMMISSION

1. Subject to the provision of this Bill and section 26 of the Interpretation Act, the Commission may make standing orders regulating its proceedings or that of any of its Committees.
2. The Chairman shall preside at all meetings of the Commission and in his absence; the Members present at that meeting shall appoint one of their numbers to preside at the meeting.
3. The quorum for any meeting of the Commission shall be a simple majority of the Members present at the meeting of the Commission.

4. (1) The Commission shall meet to transact its business pursuant to this Bill whenever it is summoned by the Chairman or by notice given to him signed by not less than four (4) members of the Commission specifying, amongst others, an agenda for the meeting:
 - (2) The Chairman shall summon a meeting of the Commission and the meeting shall be held within fourteen (14) days from the date on which the notice was served on him to discuss the items specified in the notice Provided that the Commission shall for the purposes of this Bill meet not less than four (4) times in each calendar year.
5. A member of the Commission who directly or indirectly has an interest of a personal nature including financial interests in any matter being deliberated upon by the Commission, or is personally interested in any contract made or proposed to be made by the Commission shall, as soon after the facts of the matter of his interests have come to his knowledge disclose his interest and the nature thereof at a meeting of the Commission.
6. A disclosure under paragraph 5 of this Schedule shall be recorded in the Minutes of meetings of the Commission and the member concerned —
 - (a) shall not, after the disclosure, take part in any deliberation or decision of the Commission or vote howsoever on the matter; and
 - (b) shall be excluded for the purpose of constituting a quorum of any meeting of the Commission for any deliberation or decision, with regard to the subject matter in respect of which his interest is so disclosed.

Committees

7. (1) Subject to its standing orders, the Commission may appoint such number of standing or ad hoc committees as it thinks fit to consider and report on any matter with which the Commission is concerned.
 - (2) A Committee appointed under this section shall:
 - (a) consist of such number of persons who may not necessarily be members of the Commission as may be determined by the Commission, provided that the appointment of a non-Commission member as a Committee member shall be subject to such terms as would be indicated in his letter of appointment; and
 - (b) presided over by a member of the Commission.
 - (3) The quorum of any Committee set up by the Commission shall be as may be determined from time to time by the Commission.
 - (4) A decision of a Committee of the Commission shall be of no effect until it is confirmed and/or ratified by the Commission.

Miscellaneous

8. The fixing of the seal of the Commission shall be authenticated by the signature of the Secretary and that of the Chairman or any other Commissioner generally or specifically authorised by the Commission to act for that purpose.
9. Any contract or instrument which, if made by a person not being a body corporate, would not be required to be under Seal may be made or executed on behalf of the Commission, by any person generally or specially authorised by the Commission to act for that purpose.

10. Any document purporting to be a contract, instrument or other document duly signed or sealed on behalf of the Commission shall be received in evidence and shall, unless the contrary is proved, be presumed without further proof to have been so signed or sealed.
11. Subject to the other provisions of this Bill and Schedule thereto, the validity of any proceedings of the Commission or of any of its Committees shall not be affected by:
 - (a) any vacancy in the membership of the Commission, or Committee; or
 - (b) any defect in the appointment of a member of the Commission or Committee; or
 - (c) reason that any person not entitled to do so took part in the proceedings of the Commission or Committee.
12. No Member of the Commission or the Commission's Committee shall be personally liable for any act or omission done or made in good faith while engaged on the business of the Commission (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

SECOND SCHEDULE

[Section 8(3), 17(4)]

CONFLICT OF INTEREST

1. Subject to the other provisions of this Schedule, no Commissioner or staff of the Commission shall have a direct or indirect financial interest or investment in any part of the Nigerian transport sector throughout the tenure of his office or employment with the Commission.
2. Subject to subsections 3 and 4 hereof, each Commissioner or staff of the Commission shall on an annual basis present a written declaration affirming the non-existence of any such interest as is specified in paragraph 1 and shall pledge to disclose and inform the Commission of any such relationship or interest that arises or is likely to arise during his tenure or employment with the Commission.
3. Serving Commissioners and staff of the Commission as at the commencement date of this Bill shall be entitled to a maximum of six (6) months from the said commencement date within which to divest themselves of their direct or indirect financial interests or investment in any part of the Nigerian transport sector, if any.
4. All newly appointed Commissioners and staff of the Commission after the commencement of this Bill shall be entitled to a maximum of six (6) months from their respective dates of appointments within which to divest themselves of their direct or indirect financial interests or investments in any part of the Nigerian transport sector, if any.
5. Each Commissioner and/or staff of the Commission shall declare on appointment or at the commencement of employment and annually thereafter, for as long as he serves the Commission, any interest or investment that he
 - (a) knowingly has; or
 - (b) knows any member of his immediate family to have, in any aspect of the Nigerian transport sector.

6. If a Commissioner or staff of the Commission contravenes the provisions of paragraphs 1 and 2 of this Schedule, or gives false information under Section 5 of this Schedule, he shall be liable, on conviction, to the payment of a fine not exceeding ₦1,000,000.00 or imprisonment of a term not exceeding 1 year or to both.
7. Subject to paragraph 8 of this Schedule, the Commission may from time to time waive the application of the prohibitions specified in paragraphs 1 and 2 of this Schedule to any Commissioner or staff of the Commission if the Commission determines that the financial interest of the relevant person is not of a material nature or is minimal.
8. The Commission in determining whether or not the interest of a Commissioner or staff of the Commission is minimal or not of a material nature shall consider factors including but not limited to the following —
 - (a) the revenue, investments, profits and managerial efforts of the relevant company or other entity in regard to its transport activities compared with other aspects of the company's or such entity's businesses;
 - (b) the extent to which the Commission regulates and oversees the activity of such company or entity;
 - (c) the degree to which the economic interests of such company or other entity may be affected by any action of the Commission; and
 - (d) the perceptions held or likely to be held by the public regarding the relevant person's financial interest or investment in that company or other entity.
9. The Commission may at any time review and reverse its determination under paragraph 7 of this Schedule and direct the application of the prohibitions contained in this Schedule to the affected Commissioner or staff of the Commission and the Commission shall not be under an obligation to disclose the reason or basis for its review to the affected Commissioner or staff member.
10. In any case in which the Commission exercises the waiver authority or the review thereof as specified in paragraphs 6 and 8 of this Schedule, the Commission shall so soon thereafter publish the details thereof and such publication shall include information regarding the identity of the person who has been granted the waiver or whose waiver grant has been reviewed, the position held by such person and, the nature of the financial interests which are the subject of the waiver or the review thereof (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

THIRD SCHEDULE

[Section 1 (2) (a) (b)]

TRANSITIONAL AND SAVINGS PROVISIONS RELATING TO THE COMMISSION

Transfer of Property and Undertakings from the Abolished Nigerian Shippers' Council to the National Transport Commission

1. On the commencement of this Bill, the Nigerian Shippers' Council, established by the Nigerian Shippers' Council Act, Cap. N133, Laws of the Federation of Nigeria, 2004 shall cease to exist.

2. All Staff, Assets, Properties, Rights, Debts, Liabilities, Obligations, Functions and Power that immediately before the commencement date of this Bill, were vested in the Nigerian Shippers' Council shall by virtue of this section be vested in the Commission as specified in the transition plan under this Bill;
3. Subject to section (4) of this schedule, any act, or matter made or done by the Nigerian Shippers' Council, pursuant to the Nigerian Shippers' Council Act, Cap. N133, Laws of the Federation of Nigeria, 2004; before the commencement of section (1) of this schedule shall continue to have effect as if it was done by the Commission.
4. The provisions of this Bill shall have effect with respect to matters arising from the transfer by this section, to the Commission, of all Staff, Assets, Properties, Rights, Debts, Liabilities, Obligations, Functions and Powers of the Nigerian Shippers' Council, established by the Nigerian Shippers' Council Act, Cap. N133, Laws of the Federation of Nigeria, 2004; and with respect to the other matters mentioned in the Third Schedule to this Bill;
5. The National Transport Commission is a substitute party as applicable to any proceedings pending before any Court or Tribunal to which the abolished Nigerian Shippers' Council was a party immediately before the commencement date;
6. The National Transport Commission is a substitute party to any contract or arrangement as applicable, entered into by or on behalf of the abolished Nigerian Shippers' Council and in force immediately before the commencement date; and
7. Any recourse, reference and or record of, to the abolished Nigerian Shippers' Council in any Act, Order In-Council, Rule, Regulation, Order, Agreement, Instrument, Deed, Documents and/or other Legislations, in so far as it relates to any period after the commencement date and if not inconsistent with the context or subject matter shall be construed as a reference to the National Transport Commission.

Allocation of Property Subject to Encumbrances

8. Unless an allocation statement under this schedule or under the transition plan otherwise provides, where under this schedule, property and rights vest in the National Transport Commission or liabilities become the liabilities of the Commission-
 - (a) the property and rights so vested shall be subject to the encumbrances (if any) to which they were subject immediately before so vesting; and
 - (b) the rights to which the abolished Nigerian Shippers' Council were entitled in respect of those liabilities immediately before they ceased to be liabilities of the abolished Nigerian Shippers' Council shall vest in the Commission.

Nigerian Shippers' Council Instrument

9. Each instrument relating to the abolished Nigerian Shippers' Council's property continues to have effect according to its tenure and after the commencement date as if a reference in the instrument to the abolished Nigerian Shippers' Council were a reference to the Commission.

Taxes

10. No duty or other tax is chargeable under any Act or in respect of anything done under this Bill or in respect of any Act or transaction entered into or an instrument made, executed, lodged or given for the purpose of or connected with the transfer of property, rights or liabilities of the Nigerian Shippers' Council.

*Transfer of Employees of the abolished Nigerian Shippers' Council
to the Commission and the terms of Employment under the Commission*

11. Upon the commencement of this Bill, Staff of the abolished Nigerian Shippers' Council shall be deemed to be the Staff of the Commission;
12. A transferred employee is to be regarded as —
 - (a) being in continuous service in his new position with effect on and from the commencement date;
 - (b) having the same terms and conditions as those that apply to the person in relation to his employment with the defunct Nigerian Shippers' Council immediately before the commencement date;
 - (c) having accrued an entitlement to benefits in connection with the employment with the Commission that is equivalent to the entitlement that the person had accrued as an employee of the defunct Nigerian Shippers' Council, immediately before the commencement date;
 - (d) the service of transferred employee with the Commission is to be regarded for all purposes as having been continuous with the service of the transferred employee immediately before the commencement date as an employee of the defunct Nigerian Shippers' Council;
 - (e) no transferred employee of the defunct Nigerian Shippers' Council shall be made to enjoy rights and privileges that are less than the ones hitherto as enjoyed as employees of the Nigerian Shippers Council.
13. The superannuation entitlements of any person who is a transferred employee are deemed not to be affected by that person becoming a transferred employee; and
14. Nothing in this paragraph prevents —
 - (a) any of the terms and conditions of employment of a transferred employee from being altered by or under any law, award or agreement with effect from any time after the commencement date; or
 - (b) a transferred employee from resigning or being dismissed at any time after the commencement date in accordance with the existing terms and conditions of his employment with the Commission (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

FOURTH SCHEDULE

[Section 5]

PRESCRIBED AGENCIES

For the purpose of this schedule, prescribed agencies means those agencies providing prescribed services in the regulated transport industry in Nigeria within the meaning of section 26 of this Bill and shall include but not limited to the following Agencies:

- (a) Nigerian Railway Authority (NRA);

- (b) Federal Road Safety Commission (FRSC);
- (c) Federal Roads Maintenance Agency (FERMA);
- (d) Nigerian Ports Authority (NPA);
- (e) National Inland Waterways Authority (NIWA); and
- (f) Other Agencies providing transport service of whatsoever nature in the regulated transport industry in Nigeria (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

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

Explanatory Memorandum

This Bill seeks to provide, amongst other things, for the establishment of the National Transport Commission as an independent multi-modal transport sector economic, safety and standards regulatory authority (in this Bill hereinafter referred to as the "Commission" in the regulated transport industry, to promote the implementation of the national transport policy, repeal the Nigerian Shippers' Act, Cap. N133, LFN, 2004, set out the objectives, functions and powers of the Commission and for matters connected therewith (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Agreed to.

Long Title:

A Bill for an Act to Provide for the Establishment of the National Transport Commission as an Independent Multi-Modal Transport Sector Regulator for the Regulated Transport Industry and for Other Matters Connected Therewith (*Hon. Aminu Sani Isa — Isa/S. Birni Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report of the Committees on Land Transport, Aviation, Ports, Harbours and Waterways, and Maritime Safety, Education and Administration on a Bill for an Act to Provide for the Establishment of the National Transport Commission as an Independent Multi-Modal Transport Sector Regulator for the Regulated Transport Industry and for Other Matters Connected Therewith (HB. 51) and approved Clauses 1 - 6, approved Clause 7 as amended, approved Clauses 8 - 41, approved Clause 42 as amended, approved Clauses 43 - 108, the Schedules, the Explanatory Memorandum, and the Long Title of the Bill.

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

19. Adjournment

That the House do adjourn till Tuesday, 11 April, 2017 at 11.00 a.m. (Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency).

The House adjourned accordingly at 4.12 p.m.

Yakubu Dogara
Speaker